

# **GAIN: THE BRIDGE TO INDEPENDENCE**

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## **CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS**

### **1310 OVERVIEW**

The main purpose of the compliance/sanction process is to promote participation in welfare-to-work activities by assisting participants in removing obstacles that prevent successful participation and completion of GAIN activities.

A participant who is not exempt is required to participate in the GAIN program. When a participation problem occurs and Good Cause (GC) is not established the identification and resolution of barriers is key to successful participation and completion of GAIN program requirements. The overall goal of the compliance process is to reach a positive resolution that enables the participant to attain self-sufficiency and make a positive impact on Work Participation Rates (WPR).

GAIN and Contracted Staff have an inherent responsibility before and after compliance to work with participants to identify and assist with the resolution of barriers and promote participation. Specialized staff in each GAIN Region and CalWORKs District Office assists in this endeavor.

#### **When a Participation Problem Occurs**

When a participation problem occurs, the Case-Carrying GAIN Services Worker (CCGSW)/Contract Case Manager (CCM) initiates contact with the participant to identify and resolve participation barriers. When efforts to resolve participation issues are exhausted, the compliance process is initiated.

#### **Compliance Process**

Compliance activities are progressive and consist of a 20 calendar day Cause Determination (CD) period. This process provides the participant with the opportunity to end the compliance process by providing a GC reason for not participating or agreeing to a Compliance Plan (CP). When the compliance process fails to resolve the participation issues, a sanction is imposed.

#### **Sanctions**

When the compliance process fails to resolve the participation issues, the participant is sanctioned and removed from the CalWORKs assistance unit and grant. Exempt volunteers are excluded from GAIN participation and are not sanctioned. A sanction is removed when the participant completes the activity for which the sanction was imposed, has GC for not participating, qualifies for an exemption, or if the sanction was imposed in error.

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### **Participant Complaints and Appeals**

When a participant is not in agreement with a compliance/sanction action, he/she may choose one of several options to appeal the action. Options include an Informal Meeting with GAIN Administrative staff, a Formal Complaint filed with the State, or a State Hearing also known as a Fair Hearing.

### **Specialized Staff to Assist With Compliance/Sanctions**

GAIN Services Workers (GSW) are assigned to projects in the GAIN Regions and CalWORKs District Offices to assist participants in resolving participation issues and curing sanctions. These projects are: 1) GAIN Sanction Home Visit Outreach (GSHVO) project, 2) Dedicated GAIN Sanction (DGS) project, and 3) Outreach Engagement GSW (OEGSW) project.

### **GAIN Sanction Home Visit Outreach (GSHVO)**

The GSHVO GSW functions include initiating outreach/intervention using telephone calls, letters, and/or home visits, for participants in compliance or sanction status. The goal is to achieve a positive resolution to the participant's participation issues and promote participation. For participants who failed to complete GAIN Appraisal and subsequently agree to participate, the GSHVO GSW completes the GAIN Appraisal, schedules the Orientation/Job Club/Assessment (JCO) appointment, and initiates child care services. Additionally, the GSHVO GSW works with the OEGSW during the participant's CalWORKs redetermination interview to cure or end sanctions.

### **Dedicated GAIN Sanction (DGS) GSW**

For participants in a sanction status, the DGS GSW provides outreach and a direct point of contact to assist these participants with curing/ending the sanction.

### **County Designated GAIN Services Worker (CDGSW)**

Contracted Staff cannot make discretionary decisions involving the compliance process. CDGSWs approve or deny requests to initiate the compliance process and requests for GC or no GC.

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### **1311 KEY POINTS**

- Compliance problems occur when participants fail/refuse to comply with program requirements.
- When a participation problem occurs, the CCGSW attempts to make contact by telephone to seek the participant's cooperation in resolving the compliance issues. If the telephone contact fails, or if the participant fails/refuses to comply, within one workday, the CCGSW initiates GAIN compliance activities.
- Compliance is a 20 calendar day period during which the participant is given an appointment to provide GC or sign a CP agreement to continue participation.
- If the participant fails to show for the Cause Determination (CD) interview, the CCGSW initiates the Early Compliance Telephone Call.
- If GC is established during the compliance period, the compliance process is terminated.
- If there is no GC and the participant agrees to participate, a mutually agreed upon CP is developed by the participant and the CCGSW. The plan's stated goal is to return the participant to full compliance with Welfare-to-Work (WtW) requirements.
- To complete the CP a participant must complete the activity he/she refused to perform or no more than 60 calendar days of the activity.
- If the participant does not complete the CP activity, a sanction is imposed.
- If there is no resolution to the compliance issues by establishing GC or agreeing to a CP within the 20 calendar day compliance period, a sanction is imposed.
- When the CCGSW initiates compliance process, the case is automatically referred to the GAIN Sanction Home Visit Outreach (GSHVO) unit for assistance in resolving the compliance issues. The CCGSW continues to respond to participant inquiries and maintains responsibility for all other GAIN case management functions.
- For a mandatory participant, a sanction will remove the participant from the CalWORKs assistance unit. For an exempt volunteer he/she will be excluded from GAIN participation.
- To cure the sanction a participant must complete the activity or 30 days of the activity for which he/she was sanctioned.

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- Participants are provided with supportive services (transportation, ancillary work/related expenses, and child care) while engaged in an activity to cure the sanction.
- GEARS will block compliance activities when information from LEADER reflects employment of 32/35 hours per week, or that the participant is homeless. For homeless participants, compliance will be blocked for three months from the date the indicator was updated to indicate homelessness.
- Notices of Action (NOA) provide the participant with information regarding the action(s) taken throughout the compliance/sanction process.
- Participants have the right to an Informal Meeting with the Regional Administrative staff, a Formal Complaint hearing, or a State Hearing when not in agreement with the WtW plan and/or GAIN activity.
- The GSHVO GSW will perform outreach and intervention using telephone contacts, email, letters, and home visits. A home visit is attempted when the participant does not respond to attempted contacts.
- For participants in compliance/sanction who failed to complete the GAIN Appraisal and subsequently agree to participate, the GSHVO GSW completes the Appraisal, schedules the JCO appointment, and initiates the child care process.
- When the GSHVO GSW makes contact at the participant's home, the interview is conducted in a confidential setting. If this is not possible, the GSHVO GSW arranges to meet the participant in the office to complete the interview.
- When contact is made, the GSHVO GSW focuses on reaching a positive resolution to the participant's compliance and sanction issue(s), which may include the granting of an exemption, or GC, participation in a GAIN activity, or linking to an appropriate activity including a Specialized Supportive Services (SSS) provider.
- The GSHVO GSS and Regional Deputy Director decide on a case-by-case basis when it is appropriate for two GSHVO GSWs to make a home visit. For cases with a SSS history, one GSHVO and one Community Assessment Services Center (CASC) member, (if available), will conduct the home visit.
- Cases involving Domestic Violence (DV) services/issues are not subject to telephone calls, letters, or home visits from the GSHVO.

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- The home visit is not mandatory for the participant. Home Visits are to be accommodating and non-confrontational.
- Follow-up case reviews are conducted by the CCGSW within 15 business days after the GSHVO process has been completed to verify if the participant has begun or completed the activity agreed to with the GSHVO GSW.
- The DGS GSW is the point of contact when a sanctioned participant elects to cure the sanction via the Monthly Notice to Sanctioned Participants Option to Cure GAIN Financial Sanction (PA 125), or any other contact. Additionally, the DGS GSW focuses on sanctioned cases over 90 days.
- The CDGSWs make all compliance, GC, and sanction determinations on cases serviced by contracted staff.
- The GSHVO GSW works with the OEGSW to engage sanctioned participants and encourage participation during their CalWORKs Annual Redetermination interview.
- Every contact with the participant or agency pertaining to the compliance/sanction process is documented in the GEARS Maintain Participant Activity Comment (MGPA) screen.

### **1312 POLICY**

#### **.1 When a Participation Problem Occurs**

When a participation problem occurs, CCGSWs shall determine the reason for the participation problem and outreach to the participant to resolve the non-participation issues.

##### **.11 CCGSW Responsibilities:**

- .111 Review the case record and GEARS and determine the reason for the participation problem;
- .112 If the participant has domestic violence issues, consult with SSS staff to determine the appropriateness of initiating the compliance process; and
- .113 Attempt to make contact by telephone to seek the participant's cooperation in resolving the compliance issues.
- .114 If contact is made, take measures to avoid the compliance process and reach a positive resolution. The GSW shall:
  - (a) Explore and attempt to identify the reason(s) for failure or refusal to cooperate;



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- (b) Work with the participant to develop a plan to resolve the participation issues;
- (c) Provide information on services available;
- (d) Assess GC or if an exemption applies;
- (e) Assess the need for supportive services; and
- (f) Explain the consequences of not participating and the compliance/sanction process including the NOA process.

### .12 Case-Carrying GAIN Services Supervisor (CCGSS) Responsibilities

To ensure the compliance process is applied according to policy the CCGSS shall:

- .121 Ensure the CCGSWs make all required contacts before implementing the compliance process;
- .122 Ensure CCGSWs take actions to end the GAIN component and supportive services authorized for any assignment when compliance is initiated;
- .123 Ensure documentation in the GEARS Maintain GAIN Participant Activity Comments (MGPA) screen includes the discussion with the participant of the reasons for, and the consequences of, the failure/refusal to cooperate, and efforts made to offer available options and supportive services.

### .2 Compliance Process - [Refer to flow chart 1313.1](#)

When contact efforts are unsuccessful and the participant fails/refuses to comply, the CCGSW shall initiate the compliance process. The duration of the compliance process is 20 calendar days. This provides the participant with a CD appointment interview and the opportunity to continue participating by establishing GC for failure/refusal to cooperate, or agreeing to sign a CP. After the 20-calendar day period, the case is transferred to the Y file to allow the CCGSW additional time to work with the participant to resolve participation issues and avoid a sanction. To assist in resolving the participation issues and end compliance, the case is referred to the GSHVO unit; however, the CCGSW continues to respond to inquiries pertaining to the compliance process and maintains responsibility for all other case management responsibilities.

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### .21 Initiating Compliance

When a participant fails or refuses to participate, the CCGSW initiates the compliance process within one workday using one of the reasons below to initiate the compliance process.

#### .211 Reasons to Initiate the Compliance Process

- (a) Sign a WtW plan;
- (b) Participate in any assigned GAIN activity;
- (c) Make satisfactory progress in the assigned GAIN/WtW activity;
- (d) Accept a job;
- (e) Retain employment; or
- (f) Maintain the same amount of earnings.

#### .212 GEARS Will Block Compliance Action

- (a) When a participant's Estimated Worked Hours Per Week (EWHPW) on the GEARS Inquire LEADER Employment (ILEM) screen equal/exceed 32/35 per week, GEARS will block the compliance action. The GSW shall follow up to verify employment, determine exemption status, and offer Post-Employment Services, as appropriate. If it is determined that the EWHPW do not equal or exceed 32/35 hours, the CCGSW can remove the block and initiate the compliance process, if necessary.
- (b) When data from LEADER, or information gathered by the GSW indicates that the participant is homeless GEARS will block the compliance action.

### .22 Compliance Notices of Action (NOA) and Welfare-to-Work (WtW) Forms

When compliance is initiated, NOAs and WtW forms provide specific information to the participant pertaining to the action taken as required by State regulations. The specific information includes: 1) correct participant and case information, 2) specific action taken and effective date, 3) how to correct the compliance problem, 4) who to call for assistance, 5) participant's right to ask for a hearing, and 6) contact information to the Legal Aid offices.

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The compliance process is progressive and begins on the date the NA 840, NA 841, or the NA 845 is mailed to the participant. Different NOAs are required to provide specific information during the different phases of the process. For NOAs applicable to one-parent, two-parent, and exempt volunteer cases refer to [Exhibit I](#).

**.221 NA 840 - Sanction of a Participant (one-parent household)**

This notice informs the participant of a participation problem. It provides the CD appointment interview date, sanction effective date, and information on how to resolve the participation problem, and avoid the sanction. The NA 840 must be mailed to the participant at least 10 workdays prior to the scheduled cause determination interview date.

**.222 WTW 27 - Request for Good Cause Determination**

This form is sent concurrently with the NA 840, NA 845 and the NA 841. It provides the participant with information on the GC process. This form is used to initiate discussions between the participant and the GSW to identify and resolve barriers to promote participation.

**.223 NA 845 – Sanction of Second Parent (two-parent household)**

This notice is sent to the second parent when the first parent is sanctioned. It provides the second parent with the cause determination appointment interview date, sanction effective date, and information on how to resolve the participation problem and avoid the sanction.

**.224 WTW 4 - Notice to Other Parent**

On a two-parent case, this form is sent to inform the second parent of a participation problem involving the first parent and to notify the second parent of the opportunity to participate.

**.225 NA 840A - Determination of Good Cause/No Good Cause**

This notice is sent to the participant after a determination of GC or no GC has been made to inform the participant of the County's decision.

**.226 NA 841 – Exclusion of Volunteer**

This notice is sent to the exempt volunteer when he/she fails to meet participation requirements after signing a WtW plan.

**.227 NA 816 - Second Parent not Completing a Compliance Plan**

This notice is sent to the second parent when the first parent is sanctioned and he/she fails to complete the CP.

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### .228 NA 817 - First parent not completing a Compliance Plan

This notice is sent to the first parent when he/she fails to complete the CP.

### .229 NA 818 - Exempt volunteer not completing a Compliance Plan

This notice is sent to an exempt volunteer when he/she fails to complete the CP after signing a WtW plan.

### .23 Cause Determination (CD)

The CD process consists of an appointment letter, the early compliance telephone call by the CCGSW, and an interview with the participant to determine GC or no GC aimed at identifying and assisting the participant in eliminating the cause(s) of the compliance issues. Compliance is terminated and the sanction is avoided if the participant provides GC or agrees to a CP if no GC is found.

### .231 Post-Time Limit (PTL) Participants

PTL participants are not subject to CD.

### .232 Attendance Requirements

Participants are required to attend the assigned activity and to meet the attendance standards of the service provider. Absence/tardiness that is acceptable to the service provider does not require a CD.

### .233 Cause Determination Interview Appointment Notice

A CD interview appointment notice is automatically generated by GEARS or manually initiated by the CCGSW.

When a participant advises the CCGSW that the appointment notice was received on or after the scheduled appointment date, the participant shall be afforded an opportunity to bring or mail the appointment notice envelope to the GAIN office. The validity of the late receipt of the notice can be determined as follows:

- (a) If the postmark date on the envelope is less than ten workdays before the scheduled interview date, there is GC for not attending the interview and the interview is to be rescheduled.

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- (b) If the address on the envelope has any errors that could have delayed delivery, GC exists.
- (c) If the postmark date on the envelope is at least ten workdays prior to the scheduled interview date, GC does not exist.

### .234 Cause Determination Interview Appointment (CDIA)

The CDIA shall be scheduled no later than the 15th calendar day of the 20 calendar day compliance period. If the appointment is scheduled after the 15th calendar day, the CCGSW shall document the reason for the late appointment via the GEARS MGPA screen.

The CDIA may be rescheduled one time at the participant's request, either in person or by telephone. At the time of the request, the CCGSW shall immediately reschedule the interview and advise the participant of the rescheduled interview date, time and place, and document the request and rescheduling in the case via GEARS MGPA screen.

- (a) Early Compliance Telephone Call – [Refer to flow chart 1313.2](#)

When the participant fails to attend the scheduled/rescheduled CDIA, the CCGSW shall attempt to contact the participant by telephone or email no later than the day following the missed appointment to establish a finding of GC or no GC.

- (b) Failure to Keep CDIA

In the event that the participant neither keeps the CDIA or the rescheduled CDIA, nor contacts the GSW, and the CCGSW is unable to contact the participant, the GSW shall within one workday conduct the CD using available information in the case record or in GEARS. If GC cannot be established, a sanction shall be imposed unless the participant is eligible for an exemption.

The CCGSW shall document the case via GEARS MGPA screen with information regarding the CDIA, how it was resolved, not resolved, or if the process was completed in the absence of the participant.

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### (c) During the CD Interview

During the CD interview, the CCGSW and the participant shall attempt to reach an agreement on program participation and resolve any problems contributing to the failure/refusal to comply with program requirements. The CD interview shall consist of the following:

- (1) A discussion of the reasons for the participant's failure/refusal to comply with program requirements;
- (2) A determination as to whether or not GC exists for the failure/refusal to comply using the GC criteria;
- (3) Developing and reviewing the WtW 32 - Compliance Plan with the participant, and if offered, consider the participant's counter proposal. The agreed upon plan must be in writing and signed by both the participant and the GSW;
- (4) Providing an explanation of the participant's rights and responsibilities; and
- (5) Providing an explanation of the appeal and hearing options. [Refer to Section 1312.6 - Informal Meeting/Formal Complaint/State Hearing](#)

### .235 Cancellation of CD

The CCGSW shall cancel the CD on GEARS using the appropriate cancellation code and document the cancellation via GEARS MGPA screen within one workday when any of the following occurs:

- (a) The participant has been deleted from the CalWORKs case using (Code 'DE');
- (b) The CalWORKs case has been discontinued (Code 'DI');
- (c) The CalWORKs case has been transferred out of the County (Code TR);
- (d) The GSW initiated the process in error (Code 'ER'; or
- (d) Other reasons (Code 'OT').

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**Note:** Using the OT code requires documentation of any prior compliance cancellations or denials, the GSW must document the reason(s) for the new cancellation and the actions taken to bring the participant into compliance.

### .24 Good Cause (GC) [Refer to Flow Chart 1313.3 - Good Cause](#)

The GC process is completed during the 20 calendar day process. It provides the participant with an opportunity to provide a reason for failing to participate. Refer to [Exhibit VII, WtW 26 - Good Cause Determination Guidelines](#) and below for GC reasons. Based on the reason provided, the CCGSW makes a determination whether the participant had GC or no GC. If GC is established the CCGSW shall end the compliance process.

If the circumstances do not prevent participation, he/she shall be assigned to the next appropriate activity. If the circumstances prevent participation, the participant shall not be required to participate and the CCGSW shall work with the participant to remove any barriers preventing participation. When GC is approved, the CCGSW shall reevaluate the participant's circumstances when the GC period expires and will determine the participant's next appropriate activity.

### .241 Notices of Action and Forms:

- (a) NA 840A - Determination of Good Cause/No Good Cause.
- (b) The WtW 27 - Request for Good Cause Determination.
- (c) The WtW 26 - Good Cause Determination Guidelines.

This form is used by the GSW in determining GC when conducting the cause determination interview with the participant. The form lists common GC reasons for nonparticipation.

### .242 Additional GC Reasons

- (a) Licensed or licensed-exempt child care is not reasonably available for:
  - (1) A child under 13 years of age during the individual's hours of training or employment, including travel time.

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- (2) A child who is in foster care or is a Supplemental Security Income (SSI) recipient, who is not included in the assistance unit, with disabilities, chronic illnesses, or other special needs ([Refer to Section 1210, Child Care](#)), for policy concerning reasonably available and special needs child care).
- (b) Round trip travel between the place of employment, activity, or other training and the participant's home is in excess of:
  - (1) Two hours travel time;
  - (2) Two miles when walking is the only available means of transportation; or
- (c) Travel time or mileage necessary to take family members to and from school and/or child care is exclusive of the above limitations.
- (e) The activity, except Work Experience, On-the-Job Training, or Community Service assignment, would interrupt an approved education or job-training program in progress.
- (f) The approved education or job training program must lead to employment and sufficient income to be self-supporting.
- (g) A determination must be made, where appropriate, in consultation with the Department of Mental Health (DMH), if the participant's mental disability caused or substantially contributed to the failure or refusal to comply with program requirements.
- (g) The participant's substance abuse problem caused or substantially contributed to the failure or refusal to comply with program requirements. This determination must be made, where appropriate, in consultation with the substance abuse treatment provider.
- (h) Substantial and compelling reasons that temporarily prevent or significantly impair the participant's ability to be regularly employed or to participate in a GAIN activity, other than those listed above, may be deemed "GC" by the CCGSS.



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### .243 The Participant's Reason Results in GC

When GC exists, within one workday, the GSW shall:

- (a) Update GEARS to end the compliance process;
- (b) Assign the participant to the previous assignment or a new activity;
- (c) Amend the participant's GAIN contract or WtW plan, as needed;
- (d) Recommend exemption from participation. For exemption criteria refer to [Chapter 400 - Exemptions and Good Cause](#);
- (e) Arrange for new or additional supportive services; and
- (f) Take any other action necessary to encourage the participant's cooperation/compliance with program requirements.

### .244 The Participant's Reason Results in no GC

- (a) Update GEARS to end the compliance process;
- (b) When GC does not exist and the participant agrees to participate, within one workday the GSW shall take the following action(s):
  - (1) Determine the next appropriate activity;
  - (2) Complete the WtW 32 - Compliance Plan; and
- (c) When GC does not exist and the participant does not comply, within one workday the GSW shall update GEARS and allow the sanction/exclusion to take effect.

### .245 GC and Time Clocks

GC does not stop the 60-month time clock, except when a participant has domestic violence issues. The GSW shall ensure the participant understands that the time clock will not stop if GC is established.

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### .246 Required Documentation to Establish GC

The GSW shall obtain documentation to support a determination of GC. The participant is required to cooperate and provide information, including written documentation, as necessary.

(a) Written third-party documentation is preferred and when possible should be on appropriate letterhead and must include:

- (1) The date the documentation was prepared;
- (2) The name, address and telephone number of the person who prepared the documentation;
- (3) The reason for the failure or refusal to comply; and
- (4) The expected duration of the reason for the failure/refusal to comply.

**Note:** An ABCDM 228, Applicant's Authorization for the Release of Information, shall be obtained from the participant, if necessary.

- (5) In the event neither written nor verbal third-party documentation can be obtained, the participant may complete a PA 853, Affidavit, in the presence of the GSW to document the reason for failing/refusing to comply. The PA 853 must be signed and dated by the participant, GSW, approved by the GSS, and meet all of the criteria listed above except that it is the participant's own statement.
- (6) In addition to the participant's PA 853, the GSW must record the reason via GEARS MGPA screen that third-party documentation was not available, including all attempts to obtain it.

### .25 Compliance Plan (CP) - [Refer to Flow Chart 1313.4](#)

The CP is a step in the compliance process in which a participant, whom the county determined did not have GC, is given the opportunity to prevent a sanction by agreeing to sign a CP. When the conditions of the CP are completed, the sanction is avoided. If at any time the participant fails to meet the conditions of the CP the sanction is imposed.

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If the participant agrees to the CP and the GSW requires additional information or time to make a determination of GC, or is unable to resolve the CP within the 20 calendar day period, the GSW shall not impose the sanction until a determination of no GC is made or the participant fails to agree to enter into a CP.

### .251 CP LEADER Programming

The CP process is not functional on the LEADER system. Currently GEARS accepts the CP information but LEADER does not impose the sanction when a participant fails/refuses to complete the CP. Pending completion of programming, the GSW shall:

- (a) Continue to initiate the CP process in GEARS; and
- (b) Control for completion of the CP by reviewing the case status during the monthly contacts.
- (c) If the participant does not complete the conditions of the WtW 32 - Compliance Plan the GSW shall:
  - (1) Determine if GC exists;
  - (2) If no GC is found, request a database correction through ESD GEARS to delete the compliance record in GEARS and LEADER; and
  - (3) Within one workday, initiate contact to re-establish participation. If all efforts fail, initiate the compliance process again.

### .252 Notices of Action and Forms

- (a) WTW 32 - Welfare-to-Work Compliance Plan

This form is used to inform the participant of the steps he/she must take to comply with program requirements. The WTW 32 does not replace the WTW 2 or the WTW 3.

- (b) NA 816 - Notice of Action - Removal of Second Parent's Benefits/Failure to Comply With Compliance Plan.

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- (c) NA 817 - Notice of Action – Sanction of Mandatory Participant/Failure to Comply With Compliance Plan.
- (d) NA 818 - Notice of Action – Suspension of a Volunteer/Failure to Comply with Compliance Plan.

### .253 Completion of the CP

The CP is completed when the participant completes the activity he/she previously refused to perform, or another activity agreed upon in the CP. In either situation, the participant is required to compete no more than 60 calendar days of the activity.

### .254 Failure/Refusal to Complete CP

When the participant fails or refuses to fulfill the terms of the CP, within one workday the GSW/CCM shall:

- (a) Make a GC determination using available information for the participant's failure/refusal to fulfill the terms of the CP;

**Note:** When a sanction is imposed due to failing/refusing to comply with the CP, no further compliance appointments and/or telephone attempts are applicable. It is the participant's responsibility to contact the GSW to provide GC.

- (b) If GC is not found, and if the participant is not exempt, take appropriate action to update the GEARS Maintain Compliance (MCOM) screen to generate the appropriate transaction to LEADER. Upon receiving the transaction from GEARS, LEADER will generate a NA 816; NA 817; or NA 818; as appropriate, to impose a sanction.

## **.3 Sanctions and Exclusions**

When all compliance efforts fail to resolve the participant's problem a sanction or exclusion is applied. The sanction/exclusion is applied as follows:

### .31 Mandatory Participants

Upon determination that a participant has failed or refused to comply with program requirements, he/she shall be sent the NA 840 effective no earlier than 30 calendar days from the date of issuance.

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### .32 Two-Parent Cases

At the time the first parent is notified of his/her non-participation via the NA 840, the second parent shall be notified via the WtW 4 of his/her own requirement to participate, or to increase the number of hours in WtW activities, if already participating, to avoid his/her own sanction.

.321 LEADER is not programmed to generate the NOAs when the compliance process is initiated for both parents on the same day. Therefore, pending LEADER programming to correct this problem, the CCGSW shall:

- (a) Avoid initiating the compliance process for both parents on two-parent cases on the same day.
- (b) End existing sanctions (as a system error) on GEARS for two-parent cases if the compliance process was initiated on the same day.

In general, the following rules apply to two-parent cases:

.322 Both parents shall be sent the WtW 27 form which may be used to request and provide details supporting GC for failing or refusing to comply with program requirements.

.323 If both parents are sanctioned, to restore aid, each parent must end his or her own sanction by completing the activity he/she refused to perform.

.324 If each parent was assigned to participate for 35 hours per week, but failed to do so without GC and was sanctioned, each parent must perform the 35 hour activity for 30 calendar days to cure his/her sanction. When one of the parents meets the 35 hour requirement for 30 calendar days, the 35-hour requirement can be adjusted requiring 35 hours of participation between the two parents.

.325 If the first parent is sanctioned and the second parent is participating to avoid his/her sanction, the exemption criteria for care of an ill or incapacitated member of the household and the care of a child under six months of age shall not apply to the second parent since the first parent is not employed or participating in GAIN. Any other exemption or GC criteria shall apply to the second parent.

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### .33 Exempt Volunteers

Exempt volunteers are not sanctioned - they are excluded from participation in GAIN. The compliance process of notification by NOA, GC and the CP apply to this group.

.331 The exempt volunteer compliance process is not functional on the GEARS and LEADER systems. Pending completion of the programming, GSWs shall:

- (a) Update the MCOM screen with the appropriate information when an exempt volunteer fails/refuses to participate;
- (b) Manually complete and mail the exempt volunteer NOAs (NA 841 and NA 818) to the participant; and
- (c) Ensure action is taken according to the information in the NOAs and the participant shall be excluded from GAIN participation.

The automation process will consist of fields for data entry on GEARS to initiate the compliance process and to exclude the exempt volunteer. LEADER will automatically generate the NOAs.

### .34 Y File and Deregistration of Sanctioned Cases

When a sanction or exclusionary sanction is imposed, GEARS automatically sends the case to the Y file on the first day after the 20 calendar day period to allow the CCGSW additional time to work with the participant. The case is not deregistered until the effective date of the sanction. This process was implemented to prevent cases from recycling back into the unassigned pool within a brief period of time when the participant complies with program requirements. Regions shall assign a CCGSW to the Y file to take action and process cases. The Regional Director can cancel the compliance process that remains pending after the 21 calendar day compliance period ends. Cases that do not update due to GEARS/LEADER interface problems shall be sent to ESD for data base corrections.

### .35 Curing the Sanction

Restoration of GAIN participation for participants who are under a sanction is appropriate when the participant has expressed an interest to cure his/her own sanction. Contact by a participant to cure a sanction shall be referred to the Regional Scheduling Clerk. The Regional Scheduling Clerk shall follow existing procedures for registering the participant and immediately forward the participant information to the DGS GSW for assistance in resolving the sanction.

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### .351 Notices of Action and Forms:

#### (a) WTW 29 - Plan to Stop a Welfare-to-Work Sanction

This form is provided in person or mailed to the participant when he/she elects to cure the sanction.

#### (b) WTW 31 – Request to Stop a Sanction

This form was developed to improve communication between the GSW and the participant. The form instructs participants on the steps required to cure the sanction, have their aid restored, and begin participation in GAIN activities. Since the WtW 31 is not a required form, it is to be posted in the lobby of the Regional Office.

#### (c) PA 125 - Monthly Notice to Sanctioned Participants. Option to Cure GAIN Financial Sanction ([Exhibit VI](#)).

GEARS automatically sends the PA 125 to sanctioned participants providing information on how to cure the sanction. GEARS will generate the PA 125 immediately after a sanction action is taken.

.352 GAIN participants must complete at least 30 days of the GAIN activity for which they were sanctioned or complete the activity if the activity is less than 30 days before the sanction is ended or cured.

.353 If a participant contacts the GSW to start the curing process after a sanction is imposed and successfully completes the curing process; the sanction is cured or ended the first of the following month from date of contact.

**Example:** A participant with a sanction contacts the GSW on June 9, and indicates she wishes to cure the sanction. On June 11, the participant meets with the GSW and signs the WtW 29, which specifies that she must attend a one-week activity beginning June 15. The participant completes the activity on June 25. Since she successfully completed the activity, the sanction is ended and cash aid is restored effective July 1.

**Note:** Quarterly Reporting eliminates all partial monthly proration of benefits for participants. Therefore, in the example above, the participant's cash aid is restored effective July 1.

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- .354 If the participant does not meet the terms and conditions of the WtW 29 without GC, the sanction remains. When the participant reestablishes contact with the GSW, the WtW 29 process restarts again.
  - .355 During the WtW 29 process, the participant is entitled to necessary supportive services. If these services cannot be provided, the participant has GC for not participating and the sanction is deemed cured.
  - .356 The GSW may not assign a participant to an activity for a longer period than the length of the original activity that brought about the sanction. Furthermore, if the activity lasts longer than 30 calendar days, and the participant participates at least 30 calendar days from the date the WtW 29 is signed, the sanction is considered cured.
  - .357 If the assignment that the participant originally failed to perform is no longer available or appropriate, the GSW must specify in the WtW 29 another appropriate activity for the individual to perform. In such cases, a new WTW 2 must be developed for the new assignment.
- .36 To Cure the Sanction the Participant Must:
- .361 Contact the Region and express a desire to cure the sanction;
  - .362 Sign the WtW 29 at a scheduled meeting, or agree to the conditions by telephone or by mail;
- Note:** The WtW 29 may be completed via the telephone. In such cases, the GSW must develop and inform the participant of the specifics of the plan and mail two copies of the plan (one to sign and return and one for the participant's records) along with a self-addressed stamped envelope within 10 calendar days.
- If the curing plan is completed via the telephone, the date that the plan specifics are communicated is considered the date the participant signs the plan for purposes of beginning the 30 calendar day period.
- .363 Satisfactorily perform the activity specified in the curing plan until completed, or up to a maximum of 30 calendar days, whichever is shorter, from the date the curing plan is signed.



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### .37 Changing of Sanction Status

Status changes of the sanctioned participant during the sanction process/period occur when:

- .371 An exempt volunteer who becomes a mandatory participant prior to a sanction will have a financial sanction rather than an exclusionary sanction.
- .372 A mandatory participant who becomes an exempt participant prior to a sanction, will have an exclusionary rather than a financial sanction.
- .373 When an exempt volunteer participant has been excluded from participation and then becomes a mandatory participant, the individual is phased into GAIN as a mandatory participant.
- .374 When a sanctioned PWE (Principal Wage Earner) leaves the household and the spouse/second parent is also sanctioned; the sanction is not lifted for the spouse/second parent. If the PWE returns to the household during the sanction period, the sanction is reapplied to the PWE for the appropriate sanction period.
- .375 A sanction can be denied or cancelled under certain circumstances. This denial or cancellation must be approved by the Regional Administrator or designate. The GSW shall seek approval to deny or cancel a sanction if any of the following conditions exist:
  - (a) The participant has been deleted from the CalWORKs case prior to imposing the sanction;
  - (b) The participant provided verification that he/she was qualified for an exemption during the compliance process;
  - (c) The CalWORKs case was discontinued prior to imposing the sanction;
  - (d) The CalWORKs case was transferred out of the County prior to imposition of the sanction;
  - (e) The GSW initiated the sanction in error;
  - (f) Sanction is due to a GEARS or LEADER error;
  - (g) The case is requested by the Appeals and State Hearing Section for a hearing;

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- (h) The participant provided proof of a good reason for non-participation during the 20 calendar day compliance process;
- (i) The participant agrees to and signs a CP; or
- (j) Other reasons exist after consultation with GAIN Program staff.

### .38 Dedicated GAIN Sanction (DGS) GSW

The DGS GSW is under the supervision of the GSHVO GSS. The DGS GSW shall:

- .381 Act as the point of contact for participants who wish to cure their sanction in response to the PA 125, assist them in resolving the sanction, and engage them in a GAIN activity;
- .382 Utilize the monthly GAIN Sanction Ad-Hoc report and the GSHVO strategies to provide outreach to sanctioned participants who are in sanction status over 90 days;
- .383 If the participant failed to complete GAIN appraisal, complete the GAIN appraisal, schedule JCO and initiate the child care process;
- .384 Use employment data provided in the New Hire Registry to assist in the resolution of sanction efforts. See Policy Section [1412.26](#); and
- .385 Report on all DGS GSW activities in the GSHVO Monthly report.

## .4 GAIN Sanction Home Visit Outreach (GSHVO) Project

### .41 GSHVO Overview

The GSHVO project provides DPSS staff with an additional opportunity, beyond those available to the case-carrying GSW, to establish contact, engage participants in identifying, and accessing the appropriate services to overcome barriers enabling them to complete their WtW component and move towards self-sufficiency.

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### .411 Outreach

The project provides outreach to participants who are at risk of being sanctioned or who are currently sanctioned. Outreach activities, include telephone contacts, letters, and if necessary, home visits.

### .412 Completing Appraisal/JCO/Starting Child Care

For cases without a completed Appraisal in the last year, the GSHVO GSW shall assume responsibility for completing the GAIN Appraisal, scheduling the JCO appointment, and if needed, start child care services. The GSHVO GSW shall attempt to arrange for the completion of the Appraisal with the CCGSW. If the arrangement cannot be made the GSHVO, GSW will conduct the Appraisal.

### .413 Cases in Sanction Status Over 90 Days

Cases in sanction status over 90 days shall be assigned or reassigned to the GSHVO GSW for outreach and if needed extended activities. These activities include regular GSHVO outreach activities and working with the OEGSW in the CalWORKs District Office to engage the participant during the CalWORKs Redetermination interview.

### .42 GSHVO GSS Responsibilities

.421 Within one workday after the case is assigned by GEARS; review the case to ensure correct assignment and handling. The review shall include appropriate GEARS screens and if necessary the case record to determine:

- (a) Was the GAIN Appraisal completed in the last year?
- (b) Is the case in sanction status 90 days or more?
- (c) Is there history of SSS?
- (d) Is a home visit appropriate?
- (e) Is the participant homeless?
- (f) Is there history of Domestic Violence (DV)?

.422 In cases identified with a history of SSS, in consultation with CASC staff shall determine the appropriateness of a home visit before assigning the case to the GSHVO GSW. If the CASC worker is not available, document the circumstances in the MGPA screen and proceed with the case assignment.

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- .423 If it is determined that the compliance process should be ended, take immediate action to end the compliance process on GEARS and update MGPA screen. If the compliance process should not be ended, assign the case to the GSHVO GSW.
- .424 Review a sample of cases each month to determine if contacts were attempted prior to the Appraisal, as required in [Chapter 500](#). If contacts are not properly documented, notify the Deputy for follow-up activities. Report in the GSHVO monthly report any areas of concern associated with documentation of the compliance process.
- .425 Review the Sanctions Ad-Hoc report for cases that should have had their sanction resolved. The cases will appear in the report under one of the categories reflected in Section [.481](#). If the case appears in report for two consecutive months, follow-up with the CCGSS to ensure appropriate action is taken.
- .426 Ensure GSHVO activity and resolutions are reported correctly in the GSHVO Monthly report.
- .427 Provide a count in the GSHVO Monthly report of the number of participants engaged during their CalWORKs Redetermination Interview and the number of Appraisals completed.

### .43 GSHVO GSW Responsibilities

The GSHVO GSW receives the case from the GSHVO GSS. The GSHVO GSW shall:

- .431 Review the appropriate GEARS screens and determine if the CCGSW ended the compliance process. Contact the CCGSW to obtain any new information regarding the participant's participation status. If there is no change, proceed with the GSHVO activities.
- .432 On the tenth day after the start of the compliance process, telephone contacts are initiated. There shall be three separate contact attempts at different times of the day.
- .433 If telephone attempts are unsuccessful, mail the participant the GN 6326 Home Visit Compliance appointment letter - [Refer to Exhibit IV](#) providing the participant with the date and time of the home visit.

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- .434 Two days before the scheduled home visit, contact the participant to remind him/her of the home visit appointment.
- .435 If the participant does not respond to the telephone contact attempts or the GN 6326, initiate the home visit.
- .436 Document any contacts and action taken in the MGPA GEARS screen.
- .437 If contact is made at the participant's home ([refer to Flow chart 1313.7B](#)) or in the GAIN office and the participant has not completed Appraisal, refer to Section [1312.437 \(g\)](#) below for instructions. Otherwise, if the participant has completed the Appraisal the GSHVO GSW shall:
  - (a) Engage participants by providing information on services offered by GAIN including Specialized Supportive Services, Expungement Services, and Learning Disabilities;
  - (b) Identify the reason(s) for failure or refusal to cooperate with GAIN program requirements;
  - (c) Inform the participant about the compliance process including the NOA, WtW forms and provide information on how to resolve non-participation issues or to cure the sanction;
  - (d) Negotiate the Curing Plan (WTW 29) to cure the sanction and complete all applicable WtW activity agreements;
  - (e) Conduct the SSS screening using the GN 6140, Screening for Substance Abuse (SA) and Mental Health (MH), and PA 1913, Domestic Violence (DV) Information. Make necessary referrals to the local DV service provider and/or CASC for SA services and the MH treatment provider for MH services. If the participant has completed Clinical Assessment (CA) and believes he/she no longer has a need for MH services and or SA, he/she can opt to be assigned or reassigned to a GAIN activity within the regular GAIN flow;
  - (f) Assess the need for child care, transportation, and ancillary/work-related expenses;

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- (g) If the participant agrees to participate during the home visit or in the office, and has not yet completed the Appraisal, arrange for completion of the Appraisal with the CCGSW. If arrangements cannot be made with the CCGSW to complete the GAIN Appraisal, (paper only-CCGSW shall update GEARS screens), schedule the JCO appointment, and initiate the child care process. For completing Appraisal, refer to [Chapter 500](#). For scheduling the JCO appointment, refer to [Chapter 700](#), and to initiate child care refer to [Chapter 1210](#);
- (h) Accept documentation such as pay stubs, a doctor's letter, and other documents, as necessary. If necessary, take a PA 853, Affidavit to document the participant's statement.
- (i) If the case assigned is sanctioned over 90 days refer to [Section 1312.47](#); and
- (j) Update GEARS screen GHVO including appropriate resolution data.

### .44 Completing the GSHVO Process

The GSHVO process is complete when one of the conditions in (.441) through (.446) below is supported with pertinent documentation and is documented in GEARS MGPA screen and all items in (.447) through (.449) are completed:

- .441 The participant provided GC, employment, or exemption documentation, or returned to the appropriate GAIN activity or was reassigned to a new GAIN activity;
- .442 The participant did not have GC but agreed to sign a WtW 32 - Compliance Plan, during the compliance period to avoid the sanction;
- .443 The participant completed Appraisal, was scheduled for JCO, and had the child care process initiated;
- .444 The participant, despite disclosing a history of DV, elects to waive the offer of DV services, is granted GC as per existing GAIN policy and procedures;
- .445 The SSS screening was completed and the participant was referred to CASC or to the SSS provider;

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- .446 The participant responded to a telephone call or the home visit and resolved the compliance/sanction;
- .447 The GSHVO Checklist ([Exhibit III](#)) is completed and approved by the GSS;
- .448 GEARS screen MCOM is completed with required information ending the compliance/sanction; and
- .449 GHVO screen is updated with pertinent GSHVO activity information.

### .45 Interviewing

To protect personal information and avoid breach of confidentiality all interviewing or screening shall be conducted in a confidential setting. If this cannot be accomplished the GSHVO GSW and participant shall arrange to conduct the interview in the GAIN Office.

### .46 Home Visits

The GSHVO GSS and the responsible Regional Deputy Director shall decide on a case-by-case basis when it is appropriate to send two GSHVO GSWs on a home visit. In cases with SSS, coordination between GSHVO and CASC staff is necessary to ensure a productive home visit.

- .461 The scheduled home visit appointment must be within the 20 calendar day compliance period allowed for completion of the compliance. For participants who have not resolved compliance within the 20 calendar day period, the home visit shall be scheduled before the effective date of the sanction.
- .462 The home visit is not mandatory. Refusal by the participant to allow a home visit is not, in itself, grounds for a compliance/sanction action and the participant reserves the right to cancel anytime.
- .463 The home visit shall be accommodating to the participant and will not be confrontational.
- .464 If at any time before or during the course of the home visit, the GSW does not feel safe or comfortable proceeding with the home visit, the GSW shall end the home visit and document the circumstances in the MGPA and GHVO screen.

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### .47 Cases in Sanction Status Over 90 Days – [Refer to Flow Chart 1313.7D](#).

Cases in sanction status over 90 days have a negative impact on the WPR. Each Region shall take action on long-term sanctioned cases as follows:

- .471 Assign cases that are in sanction status over 90 days equally among all GSHVO GSWs for outreach activities and ensure information is updated in the GEARS GHVO screen;
- .472 Include the DGS GSW in the distribution of cases. For DGS responsibilities refer to Section [1312.38](#); and
- .473 Using the CalWORKs Annual Redetermination report in the DPSS Portal and the monthly sanctions ad-hoc report, match sanctioned cases with the upcoming Annual CalWORKs redetermination and arrange to engage the participant at the CalWORKs office with the OEGSW during the interview; and
- .474 If the information in the reports do not match, the GSHVO GSW or designate shall contact the OEGSW to obtain the redetermination month and scheduling information to coordinate the interview with the participant.

### .48 GSHVO Data and Reports

#### .481 Data

To maintain the integrity of the GSHVO reports and the GSHVO data, the GSHVO GSS shall ensure that cases are reported in the appropriate GSHVO Monthly Report category. The acceptable categories are:

- (a) Agree to Participate\*
- (b) Exempt\*
- (c) Good Cause\*
- (d) Opted for a Sanction
- (e) Employment\*
- (f) Cash Aid/GAIN Case Terminated\*
- (g) System Error\*
- (h) GSW Error\*
- (i) Time Limit Declined PTL Services\*
- (j) Homeless\*
- (k) Other
- (l) Participant not Home
- (m) Incorrect Address



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Cases in categories flagged by an asterisk should have the sanction terminated and should not be reflected in future month Ad-Hoc reports. The GSHVO GSS shall utilize the Monthly Sanctions Ad-Hoc report to identify these cases, take corrective action, and update the report with the correct status on each case.

Cases categorized in the Other, Opted for a Sanction, Participant Not Home, and Incorrect Address categories shall continue to receive outreach efforts to prevent an extended sanction over 90 days. To reduce the number of cases in these categories the GSHVO GSS shall sample cases to ensure all efforts are being made to reach a positive resolution. Performance in the GSHVO categories (listed above) should be similar among all GSHVO GSWs and among all Regions. Any significant deviations shall be explored by the GSHVO GSS for possible corrective action.

### .482 Reports

The GSHVO monthly report shall be completed on a monthly basis and forwarded to GAIN Program Division (GPD) by the Regional Deputy Director. Refer to [Exhibit II](#) for a copy of the GSHVO Monthly Report.

The Sanctions Ad-Hoc report is provided every month to the regions for reconciliation of sanctioned cases and corrective action. The report shall be used to identify cases in sanction status over 90 days, cases with delinquent action after GSHVO, and to track GSHVO performance. The report provides the following information in Excel format by region:

- (a) Participant's name, address, and telephone
- (b) GSHVO GSW name
- (c) GSHVO results
- (d) Date of sanction
- (e) Employment hours
- (f) Primary language

### .49 Other GSHVO General Requirements

#### .491 Training

- a) Employee safety is of utmost importance. GSHVO GSWs receive basic field safety training before they are given the assignment to conduct home visits. GPD provides basic field safety training during the GSHVO training sessions.

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- (b) Regional Administrative staff shall provide orientation training to new GSHVO staff consisting of an overview of compliance/sanctions, basic field safety, and GSHVO policy. Additionally, the GSHVO GSS or GAIN Deputy shall accompany the new GSHVO GSW in the initial home visits as part of the training process.

### .492 Potential Fraud

GSHVO home visits are intended to provide services to participants and not to detect fraud. If inconsistencies involving GAIN Program participation or CalWORKs eligibility are discovered or suspected during the home visit, they will not be discussed with the participant. Upon return to the GAIN office, GSHVO GSW shall discuss any information with the CalWORKs Eligibility staff and the GSS and if appropriate, follow existing policy and procedures for making a fraud referral.

### .493 Tools

The following tools are provided to the GSW for performing necessary GAIN case management functions/duties outside the GAIN office:

- (a) Appropriate GEARS access codes are provided to GSHVO staff.
- (b) Access to a cellular telephone. Administrative staff shall ensure GSHVO GSWs have access to the cellular telephones allocated to each GSHVO unit.
- (c) Each Region is responsible for compiling, updating, and providing CASC and domestic violence service provider contact information for use by the GSHVO staff.
- (d) Business cards. Administrative staff shall ensure GSHVO staff are provided with professional printed business cards.
- (e) A home visit packet for each case shall be prepared by the GSHVO Unit Assistant (UA) with all the necessary forms and brochures.

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### .494 CCGSW Responsibilities

The GSHVO GSW reaches a positive resolution in approximately 70% of the participants assigned to the GSHVO. Following the resolution, the case is referred back to the CCGSW for follow-up action. To ensure follow-up action is taken and to increase participation, the CCGSW shall complete the following:

- (a) Within one workday of notification by the GSHVO GSW that a positive resolution is reached with the participant, initiate contact with the participant to arrange an office appointment to engage the participant in the next appropriate activity.
- (b) 15 - Calendar Day follow-Up Requirement - [1313.7E](#)

Conduct a review of applicable GEARS screens, GSHVO records, and the case record 15 calendar days after the GSHVO process is completed to determine if the participant is engaged in the activity agreed to with the GSHVO GSW. If the participant is not engaged in the activity, within one workday:

- (1) Initiate contact with the participant;
- (2) If there is no response to the contacts, send an appointment letter for an interview;
- (3) Contact the provider(s) to verify participation; and
- (4) If contacts are unsuccessful and there is no response to the appointment letter, initiate the compliance process.

### **.5 Compliance Process - County Designated GSW/Contracted Case Manager** [Refer to flow chart 1313.9](#)

Contracted Case Managers (CCM) shall recommend compliance actions and GC determinations using a manual process to the CDGSW. Within one workday, the CDGSW will evaluate the recommendations and update the GEARS compliance screens accordingly. GEARS will generate a transaction to LEADER for the change and will send the appropriate NOA to the participant.

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### **.51 Workflow Process**

#### **.511 Program Compliance Gram for Contracted GAIN Staff - [Refer to the \(GN 6163\)](#)**

The CCM shall use the GN 6163 to recommend the following compliance/sanction actions to the CDGSW:

- (a) The compliance appointment.
- (b) GC or no GC recommendation.
- (c) CP recommendation.
- (d) Denial/cancellation of a sanction.

### **.52 CCM Responsibilities:**

#### **.521 The CCM shall:**

- (a) Follow existing policy and procedures with respect to case management and the compliance/sanction process.
- (b) For each recommendation within the compliance/sanction process, complete required activities on the date the GN 6163 or other pertinent information is received.

### **.53 CD GSW Responsibilities:**

#### **.531 The CDGSW shall:**

- (a) Follow all policy and procedures pertaining to the compliance/sanction process.
- (b) Respond to a GN 6163 recommendation within the same day received.
- (c) Update GEARS screens with compliance/sanction approved recommendations within the same day.

## **.6 Informal Meeting/Formal Complaint/State Hearing**

Whenever a participant believes that any program requirement is not in agreement with his/her GAIN activity or is inconsistent with the objectives or procedures of the program, he/she may use one of several options to seek a resolution. These options include: 1) discussing the issue with Regional Administrative staff, 2) filing a Formal Complaint (FC) with the Department of Social Services (CDSS), and/or 3) filing a State Hearing (SH) also known as

## CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS

a Fair Hearing.

The participant shall be provided with Publication 13 (3/07), YOUR RIGHTS Under California Welfare Programs, during the GAIN Appraisal interview process. The NA BACK 9, Your Hearing Rights, shall be sent with the NOAs. These forms provide a written description of the participant's hearing rights, the procedure for filing a FC, and the SH process.

### .61 Informal Meeting

Participants may ask to speak or meet with Regional Administrative staff to discuss and resolve participation issues. Participants shall be informed of this option during the GAIN Appraisal process.

### .62 Formal Complaint

Participants may file a FC with (CDSS) by calling or writing:

California Department of Social Services  
Public Inquiry and Response  
P.O. Box 944243  
Sacramento, CA 94244-2430  
Telephone#: 1-800-952-5253

### .63 State Hearing

SH are conducted by CDSS personnel using policies and procedures outlined in Division 22 of the State Manual of Policies and Procedures. **Once the SH is filed, the Appeals and State Hearings (ASH) Section assumes responsibility for the SH process.** The SH is held before an Administrative Law Judge and is not open to the public.

.631 A SH must be requested within 90 days of the County's action. The 90-day period begins when the County mails the applicable NOA to the participant. The 90 day period applies even though the participant filed a FC.

.632 Participants may request a SH by writing to:

Appeals and State Hearings Section  
P.O. Box 18890  
Los Angeles, California 90018; or

State Hearing Division  
P.O. Box 944243-MS 19.37  
Sacramento, CA 94244-2430  
1-800-743-8525

## CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS

- .633 The GSW shall comply with requests for case documentation, to appear as a witness, if necessary, and take action as directed by the ASH Section.
- .634 When a resolution is reached with the participant, within one workday the GSW must follow-up to ensure the participant can now fully participate in GAIN. The GSW determines whether the participant:
  - (a) Needs additional supportive services and, if so, arranges for them;
  - (b) Can resume participation in the same component without further action;
  - (c) Would benefit more from another GAIN activity;
  - (d) Should have his/her plan amended; and/or,
  - (e) Has serious obstacles to continue participation and meets exemption criteria.
  - (f) When compliance activities or appeal processes do not resolve the participation problem, within one workday the GSW proceeds to the next appropriate action and either:
    - (1) Imposes a financial sanction for the mandatory participant;
    - (2) Excludes the exempt volunteer participant; or
    - (3) Complies with the written decision of the State Administrative Law Judge.

### .635 Questions Regarding the Hearing Process

Questions regarding the hearing process may be raised by a participant during the SH process. Since the ASH Worker is responsible for the SH process, and to avoid providing misinformation, the GSWs shall forward all questions regarding the SH process to the ASH Worker.

## CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS

### .64 Other Complaints

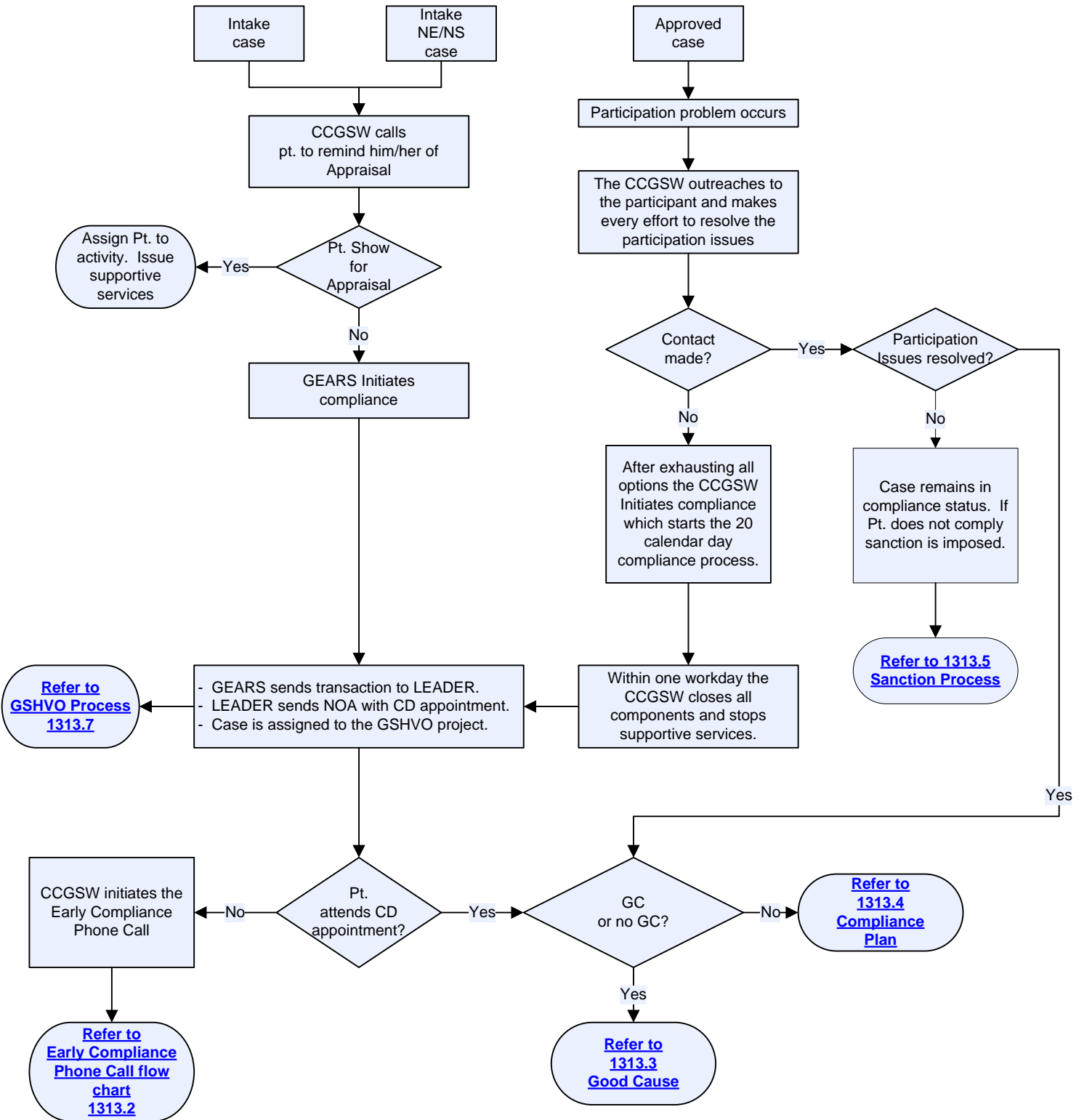
#### .641 Civil Rights

No person shall be excluded from or denied participation in any GAIN activity based on race, color, national origin, political affiliation, religious belief, sex, age, or handicap. This applies to services provided by individuals, institutions, agencies, or organizations under contract to DPSS or as subcontractors. Systems exist within DPSS to receive and investigate such complaints. GAIN contractors/subcontractors are also required to have a system for receiving, investigating and resolving civil rights complaints in place.

# CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS

## 1313.1 Compliance Process

GSHVO - GAIN Sanction Home Visit Outreach  
 CC GSW – Case-Carrying GSW  
 CCM – Contracted Case Manager  
 NE/NS - Non English/Non Spanish  
 CD - Cause Determination  
 GC – Good Cause  
 Pt - Participant

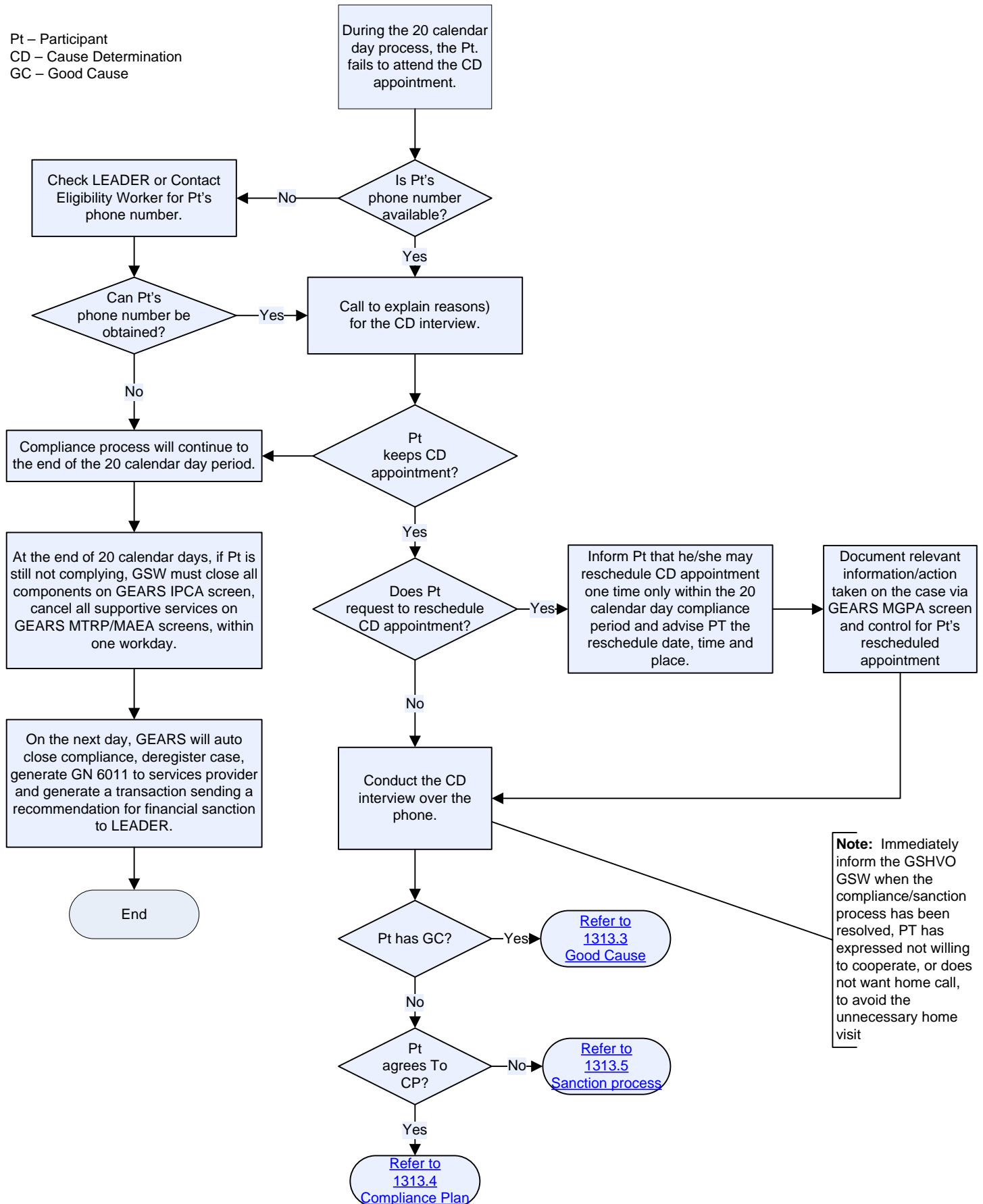




# CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS

## 1313.2 Early Compliance Phone Call

Pt – Participant  
CD – Cause Determination  
GC – Good Cause



## CHAPTER 1300 – COMPLIANCE/SANCTION/RESOLUTION AND PARTICIPANT COMPLAINTS

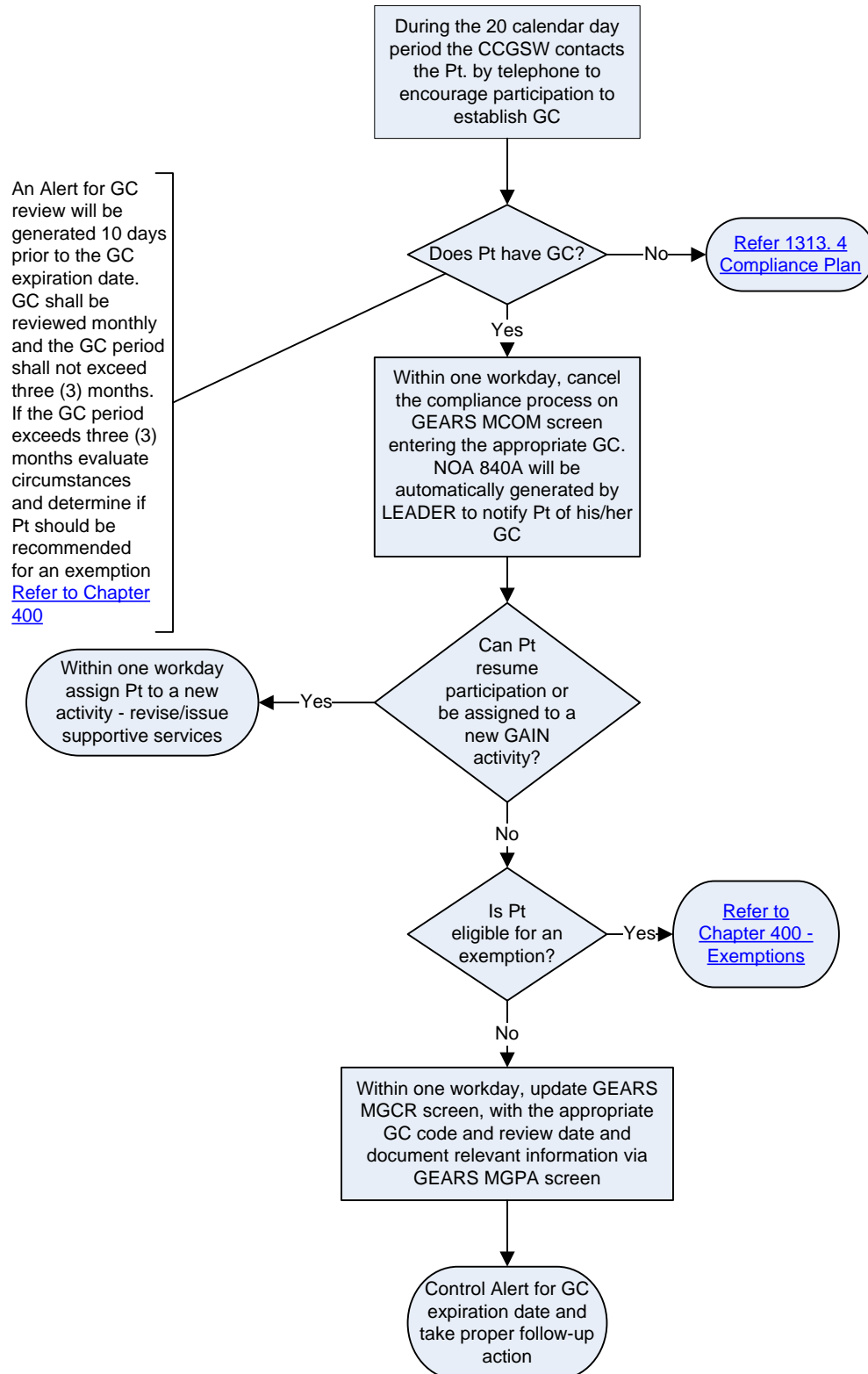
### 1313.3 Good Cause

CCGSW – Case-carrying GSW

GC – Good Cause

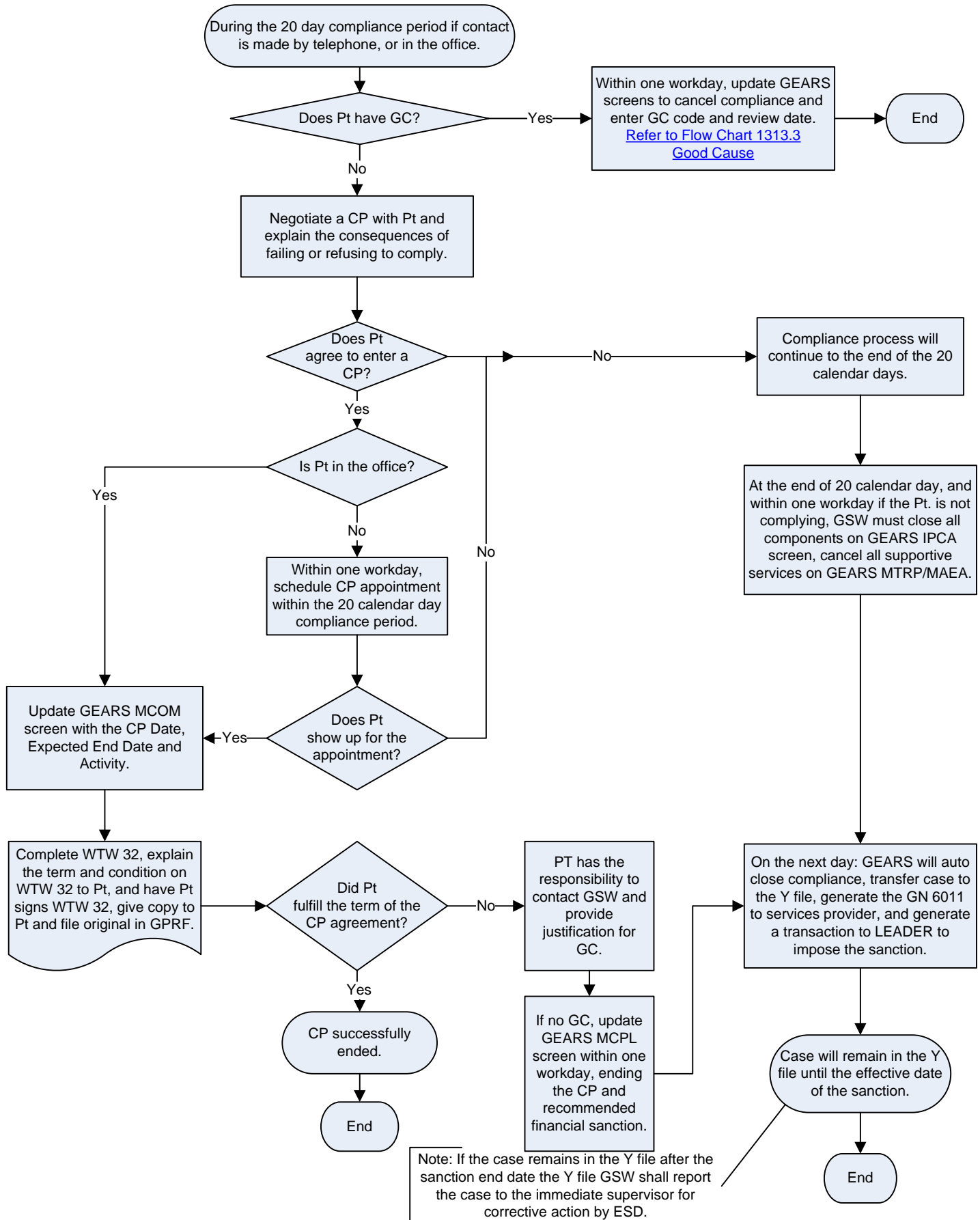
CP – Compliance Plan

Pt - Participant



## CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS

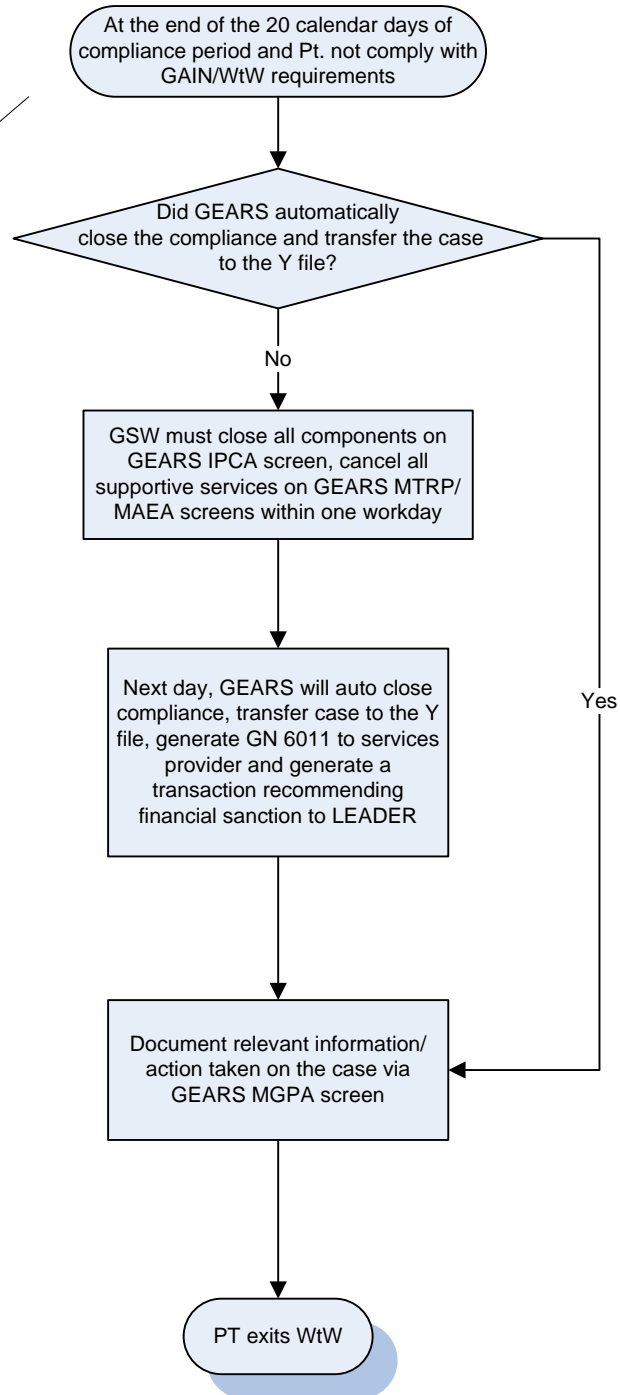
### 1313.4 Compliance Plan



## CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS

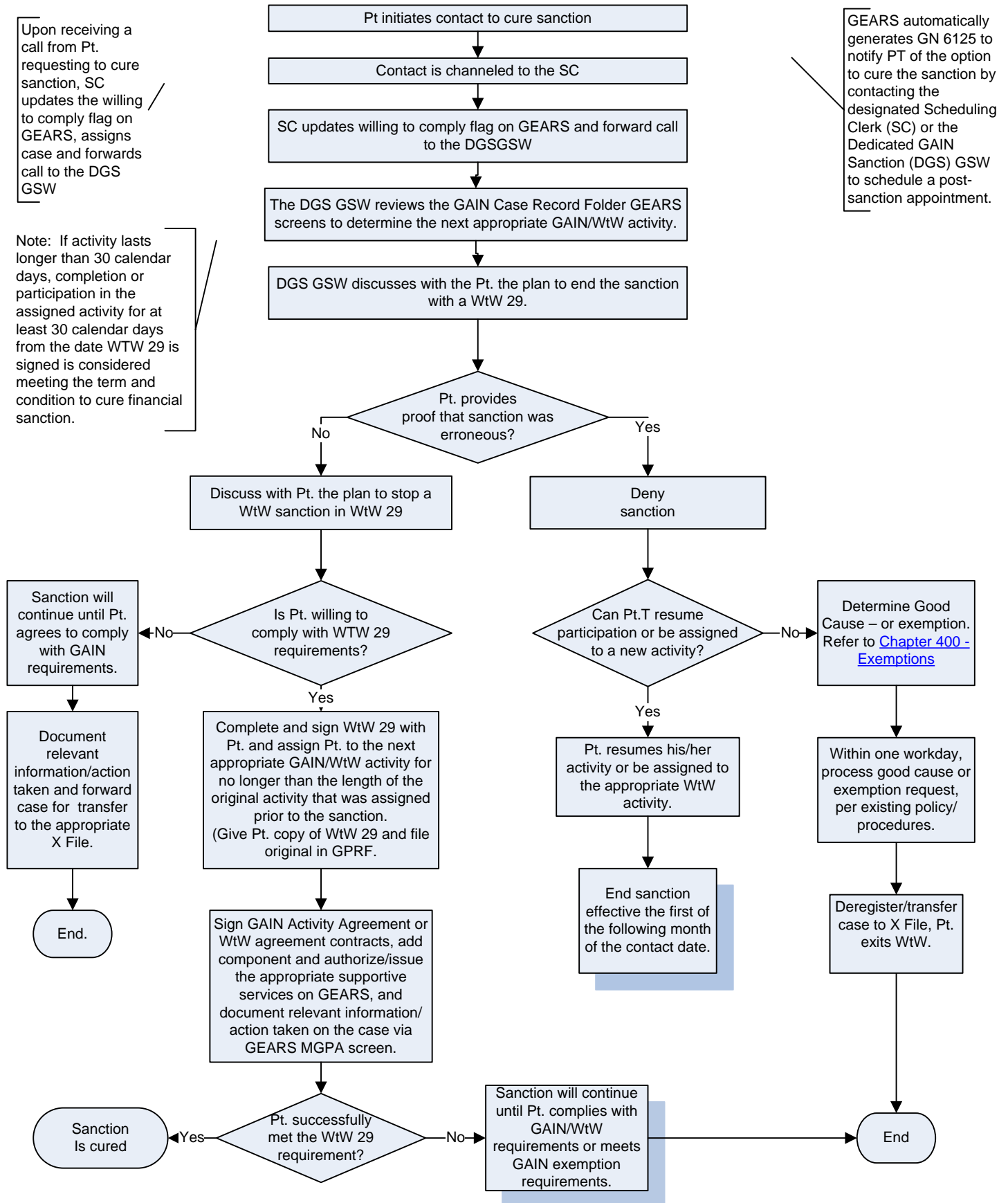
### 1313.5 Sanction Process

WtW – Welfare to Work  
GSW – GAIN Services Worker  
Pt. - Participant



## CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS

### 1313.6 Curing a Sanction

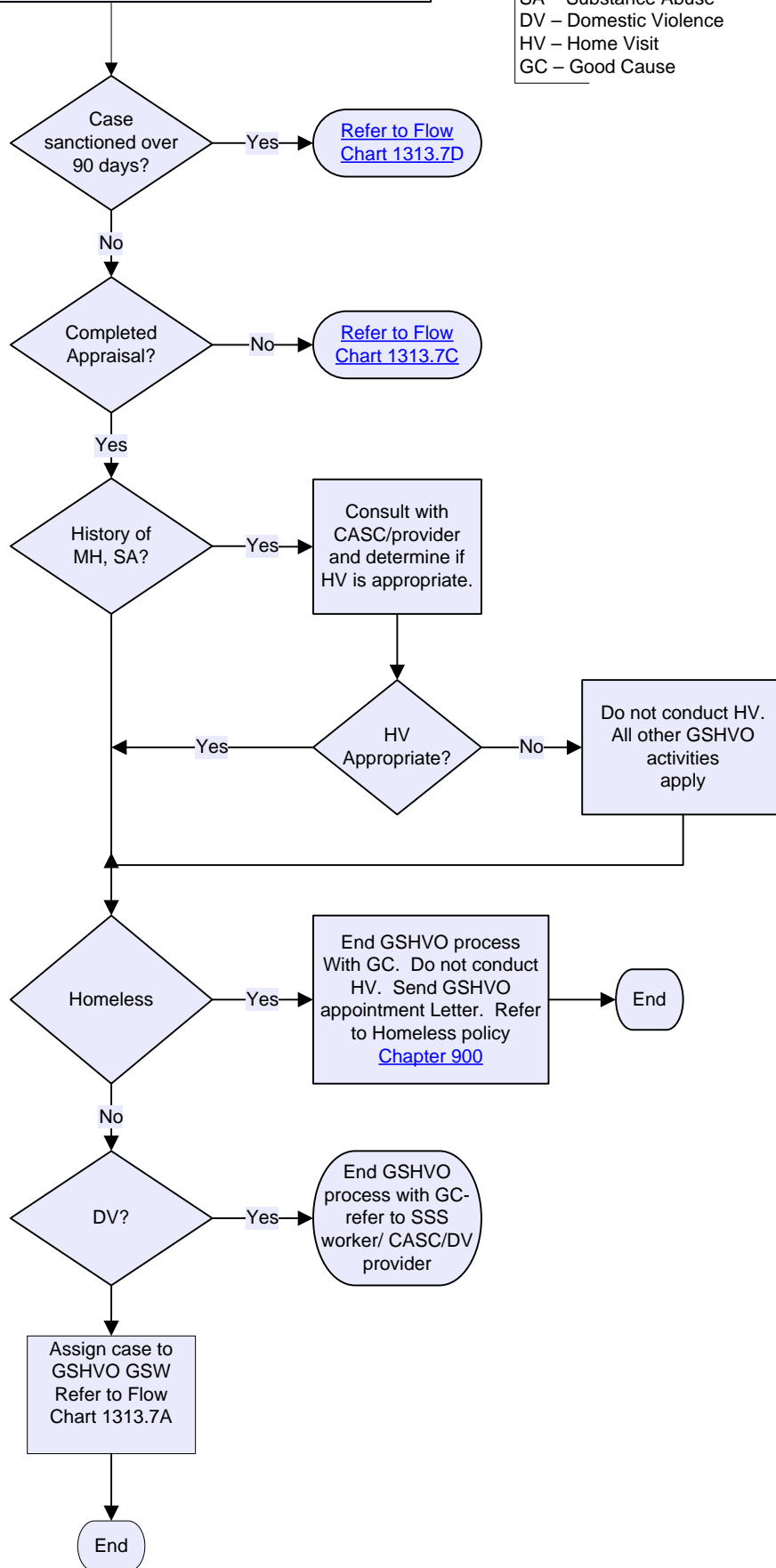


# CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTIONS/COMPLAINTS

## 1313.7 – GSHVO Process - GSS Responsibilities

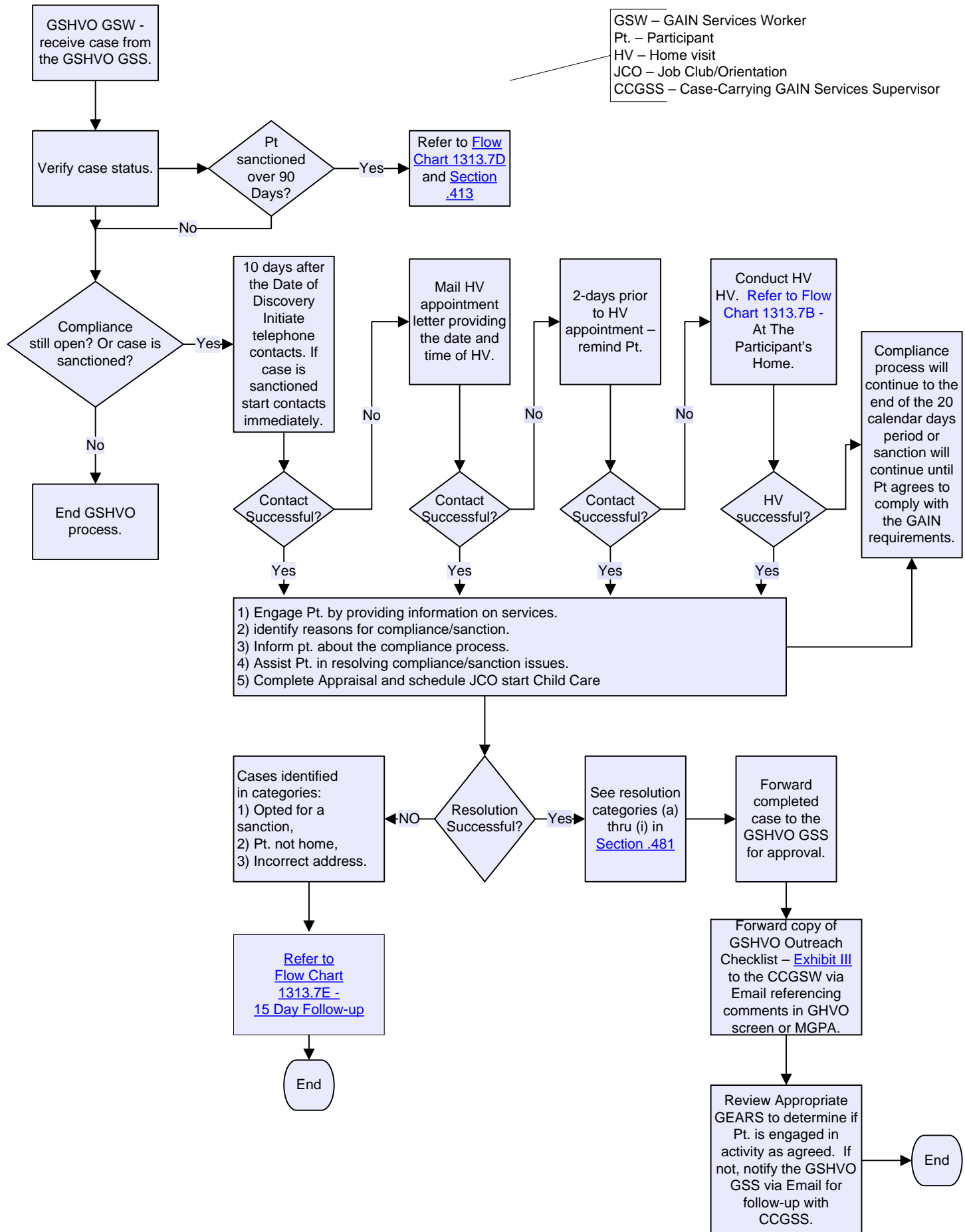
**GSHVO GSS:**  
 1) Receives listing of cases assigned to the project.  
 2) If case is no longer in compliance terminates the GSHVO process  
 3) If case is still in compliance checks for the following before assigning to the GSHVO GSW.

CASC - Community Assessment Services Center  
 GSS – GAIN Services Supervisor  
 GSW – GAIN Services Worker  
 MH – Mental Health  
 SA – Substance Abuse  
 DV – Domestic Violence  
 HV – Home Visit  
 GC – Good Cause



# CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTIONS/COMPLAINTS

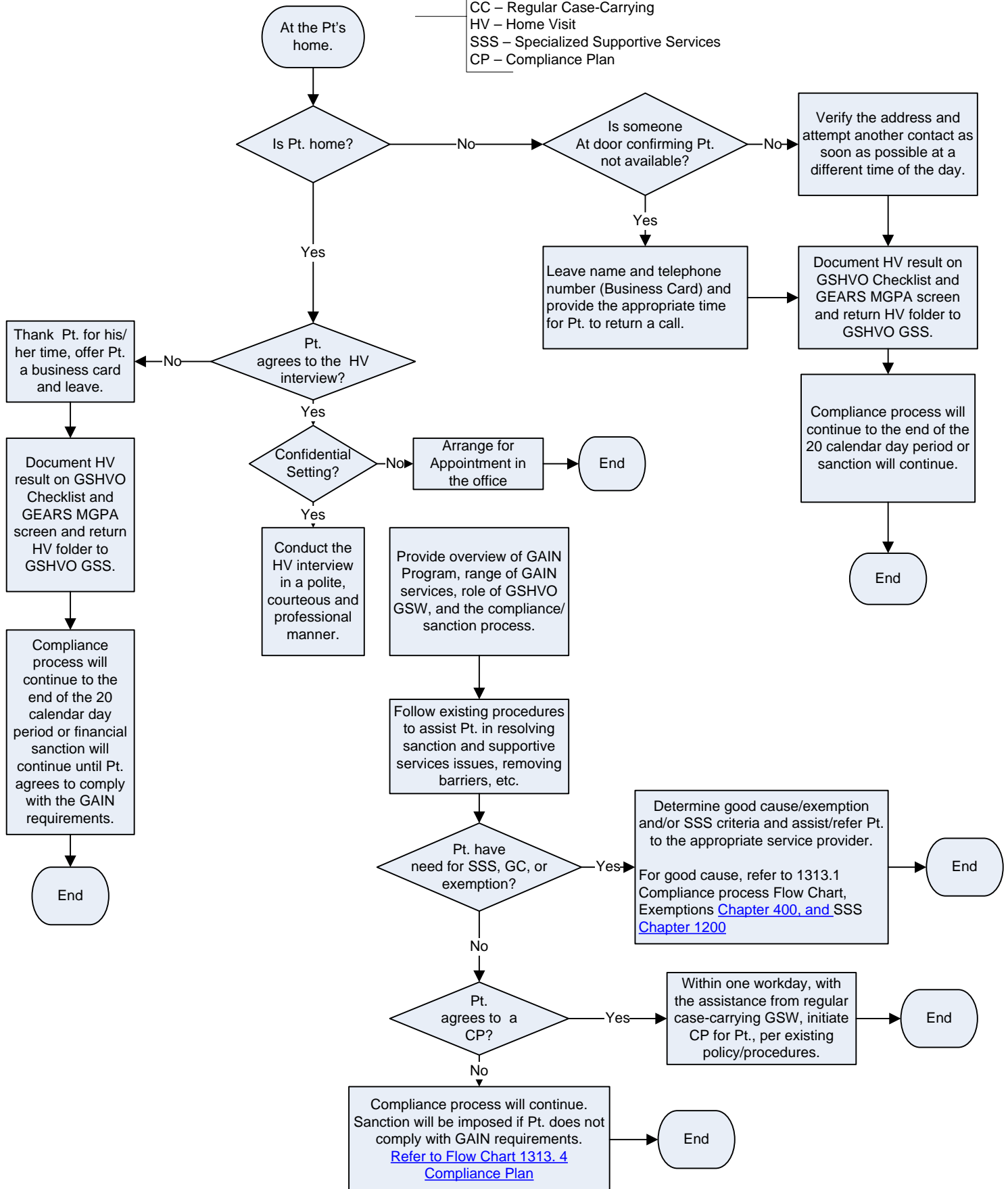
## 1313.7A – GSHVO Process- GSW Responsibilities



# CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS

## 1313.7B At the Participant Home

Pt. – Participant  
 GSW – GAIN Services Worker  
 CC – Regular Case-Carrying  
 HV – Home Visit  
 SSS – Specialized Supportive Services  
 CP – Compliance Plan

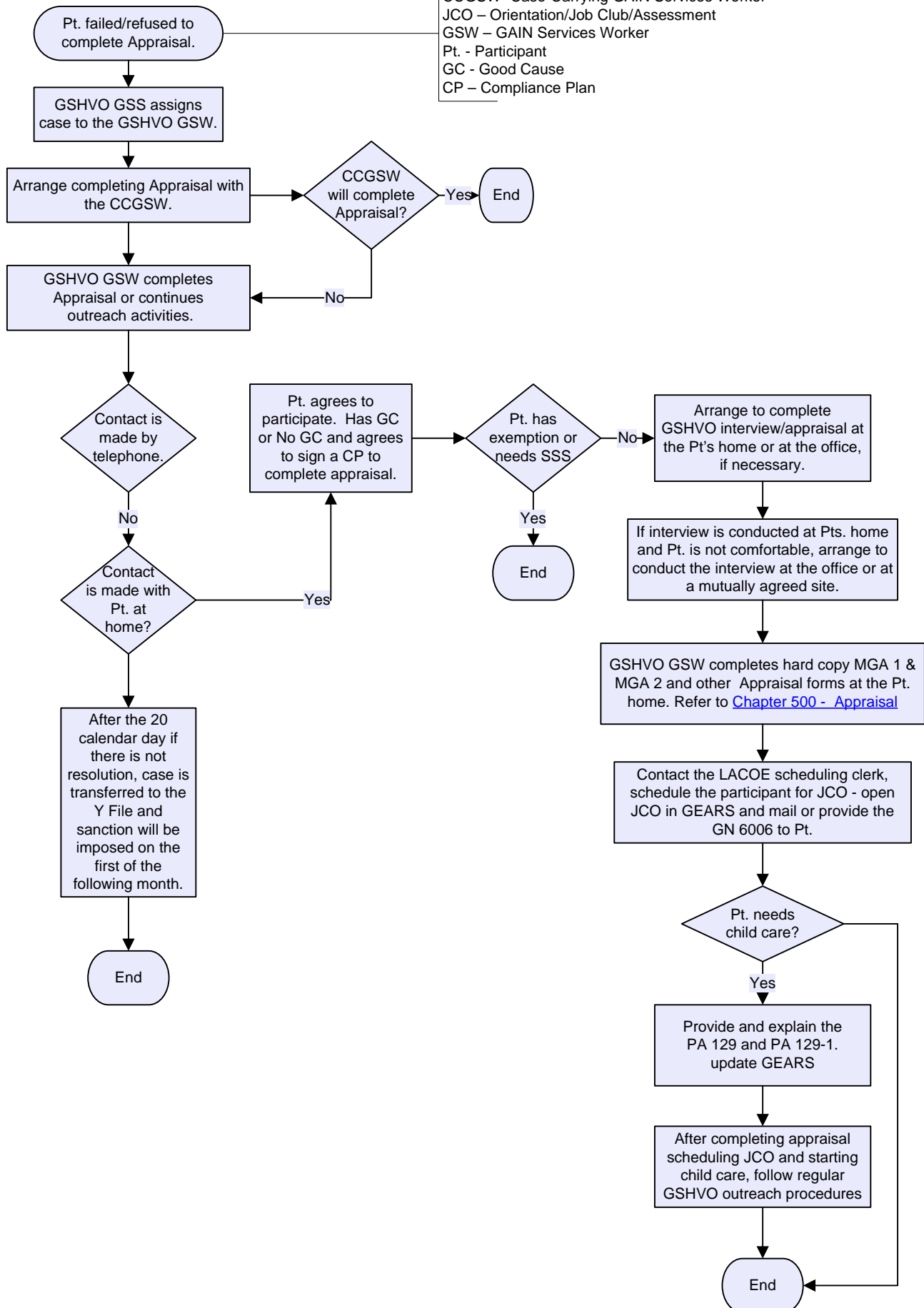




# CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTIONS/COMPLAINTS

## 1313 7C – Completing Appraisal/Scheduling Job Club/Orientation/Starting Child Care

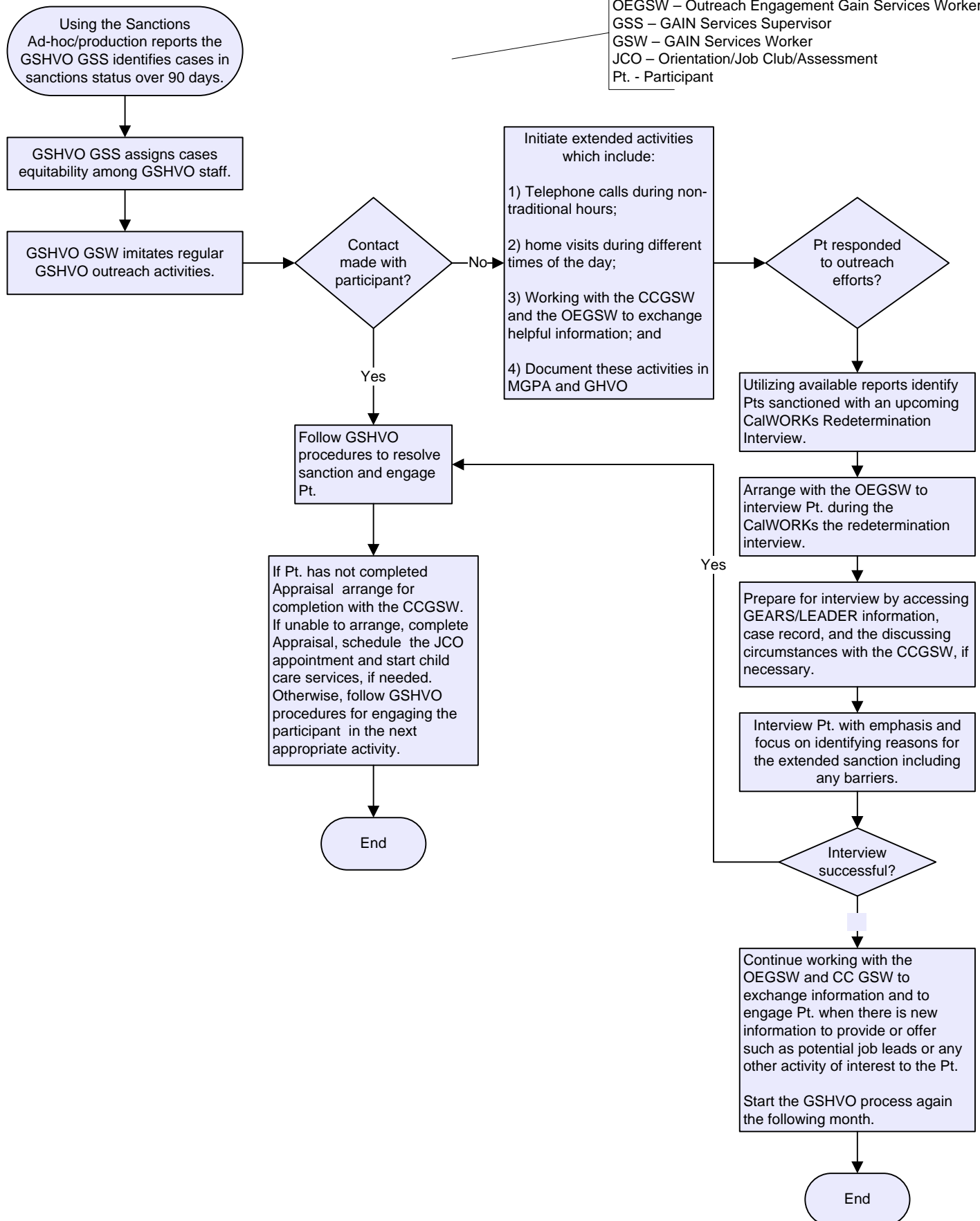
LACOE – Los Angeles County Office of Education  
 CCGSW- Case-Carrying GAIN Services Worker  
 JCO – Orientation/Job Club/Assessment  
 GSW – GAIN Services Worker  
 Pt. - Participant  
 GC - Good Cause  
 CP – Compliance Plan



## CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTIONS/COMPLAINTS

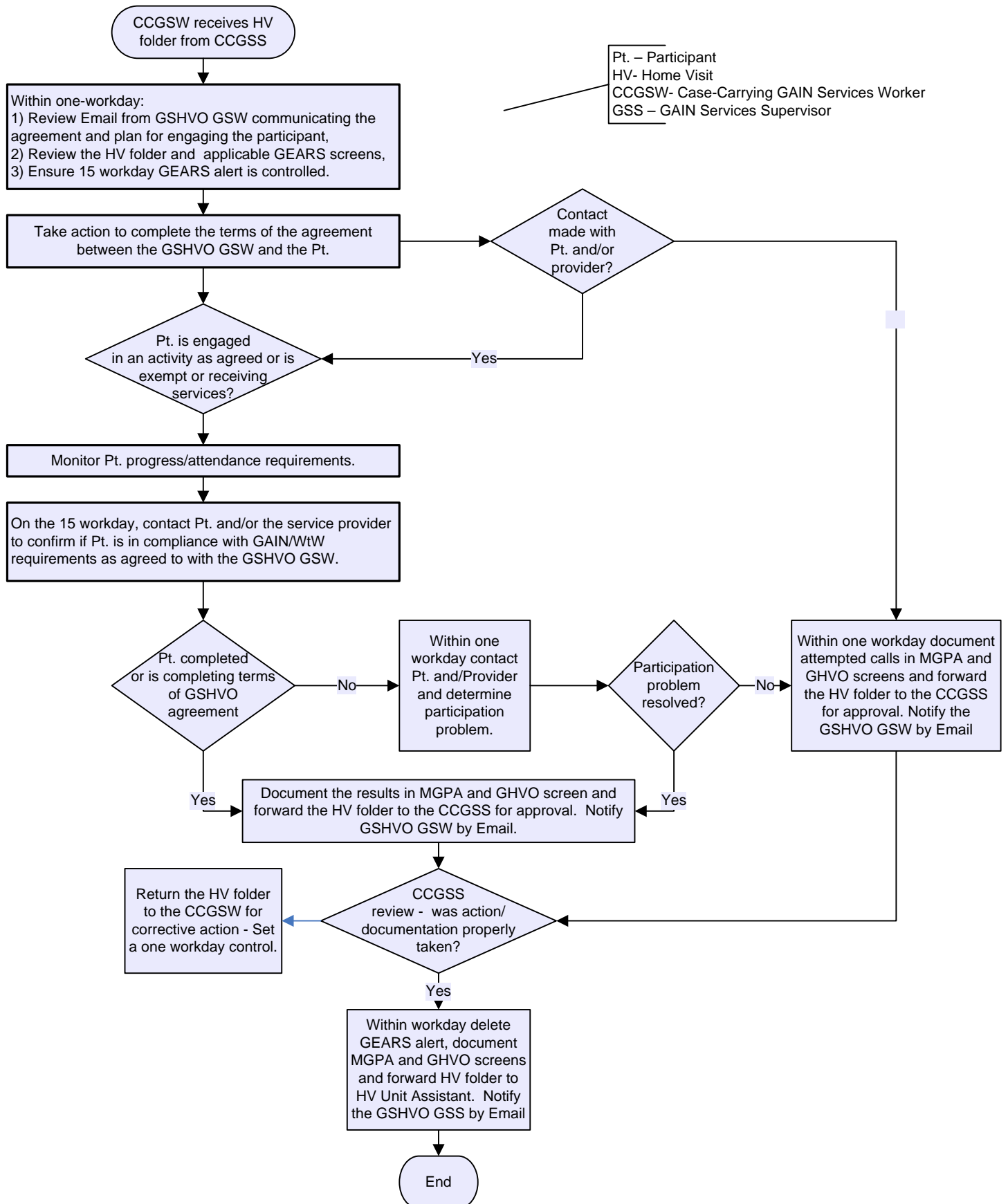
### 1313 7D – GSHVO Process - Cases in Sanction Status Over 90 Days

CCGSW – Case Carrying GAIN Services Worker  
 OEGSW – Outreach Engagement Gain Services Worker  
 GSS – GAIN Services Supervisor  
 GSW – GAIN Services Worker  
 JCO – Orientation/Job Club/Assessment  
 Pt. - Participant



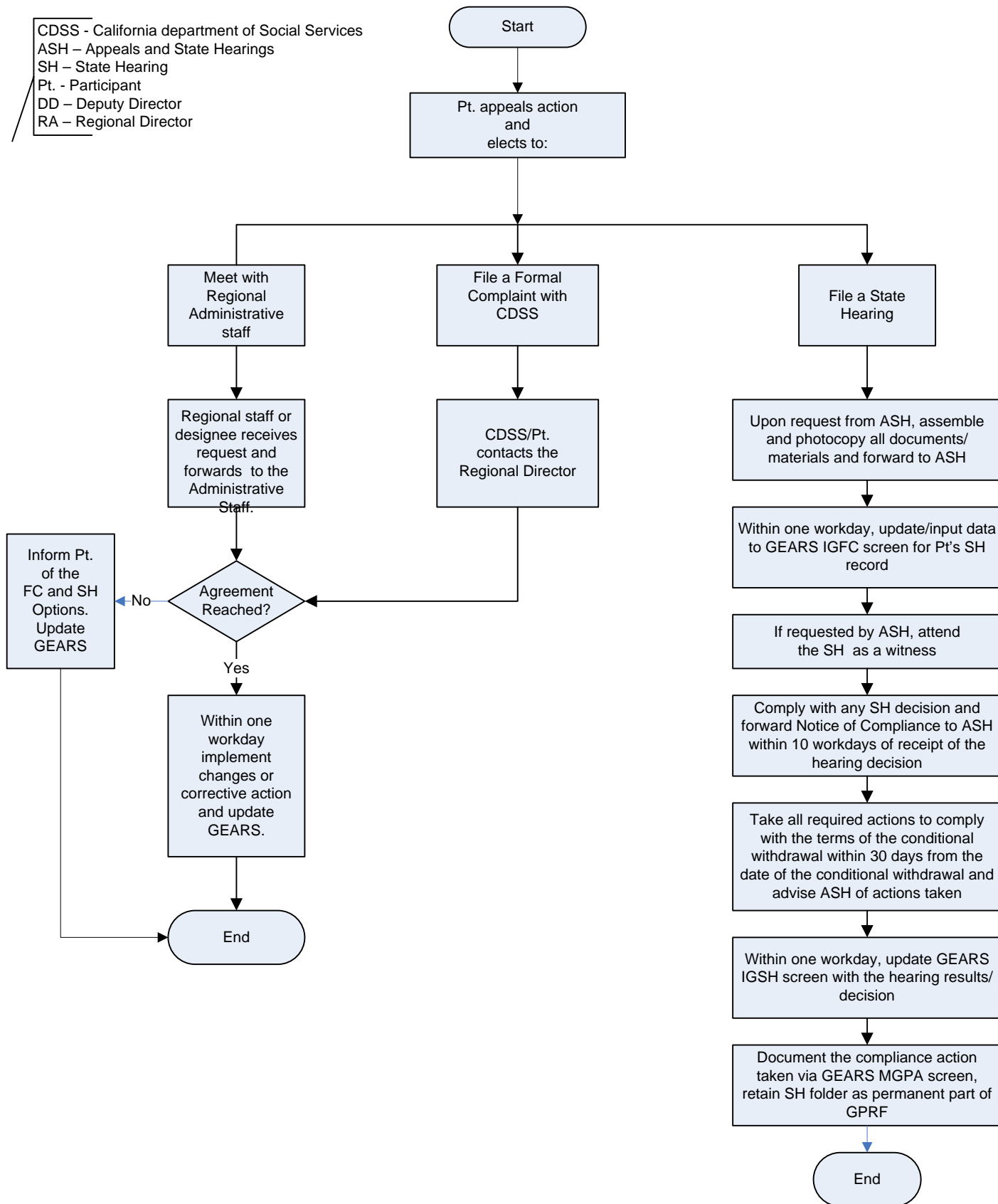
# CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS

## 1313.7E GSHVO Process - 15 Day Follow-up Requirement



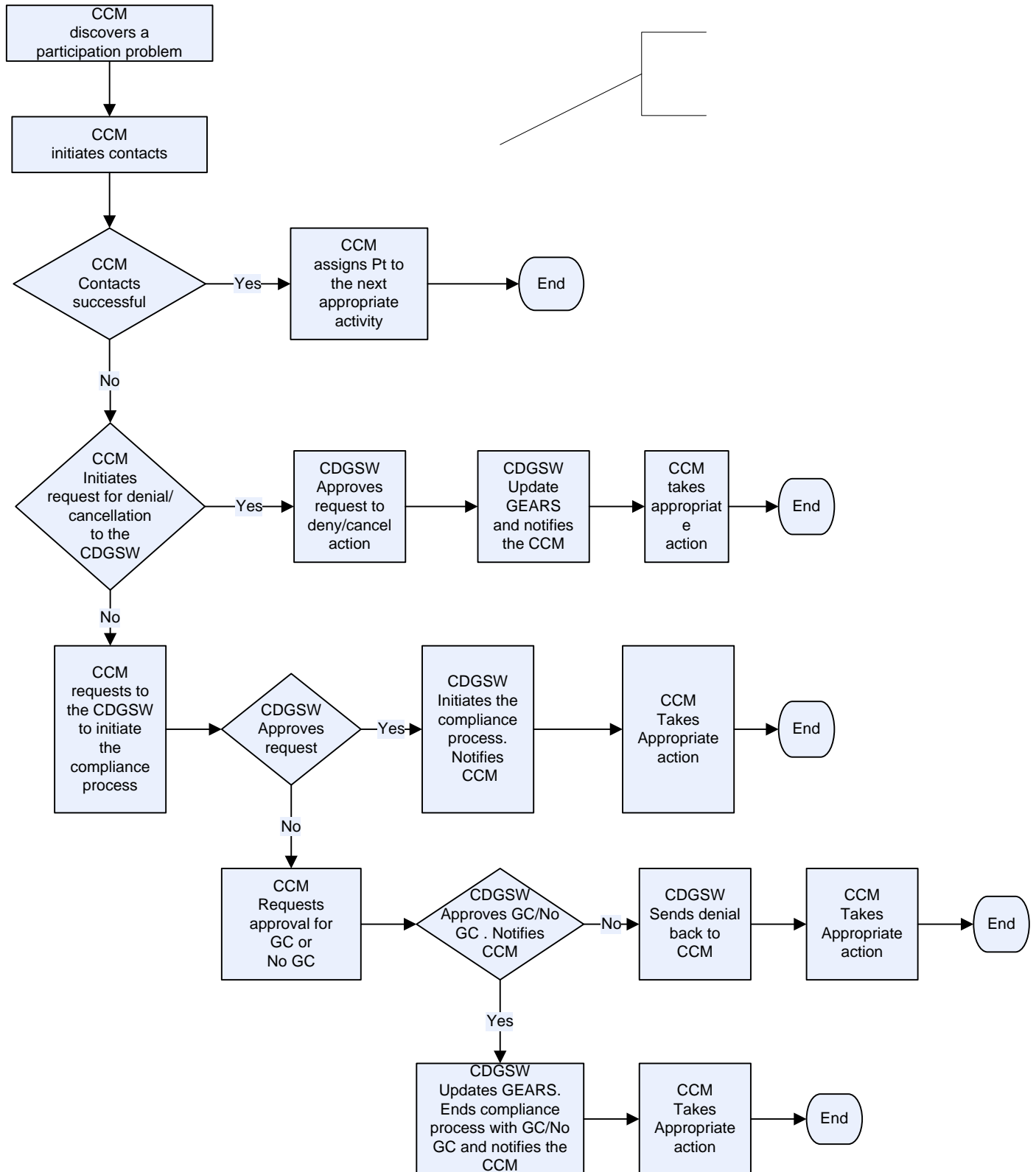
## CHAPTER 1300 – COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS

### 1313.8 Informal Meeting/Formal Complaint/State Hearing



## CHAPTER 1300 – COMPLIANCE/SANCTION/RESOLUTION AND PARTICIPANT COMPLAINTS

### 1313.9 Compliance Process – County Designated GSW/Contracted Case Manager



**CHAPTER 1300 - COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS**  
**1314.1 EXHIBIT I NOTICES OF ACTION**

<b>INITIATING COMPLIANCE</b>		<b>ONE-PARENT</b>	<b>TWO-PARENT</b>	<b>VOLUNTEER</b>
NA 840	Mandatory Participant	X		
NA 840A	Good Cause/No Good Cause Determination	X		
WTW 27	Good Cause	X		
NA 845	Removal Second Parent		X	
WTW4	Notice to The Second Parent		X	
NA 841	Volunteer Suspension			X
<b>CAUSE DETERMINATION/GOOD CAUSE</b>				
NA 840A	Good Cause/No Good Cause Determination	X	X	X
WTW 27	Good Cause		X	X
WTW 26	Good Cause Guidelines	X	X	X
<b>COMPLIANCE PLAN</b>				
WTW 32	Welfare-to-Work Compliance Plan	X	X	X
NA 816	Compliance Plan - Second Parent		X	
NA 817	Compliance Plan - Mandatory Participant	X		
NA 818	Compliance Plan - Volunteer			X
<b>CURING A SANCTION</b>				
WTW 29	Plan to Stop a Welfare-to-Work Sanction	X	X	
WTW 31	Request to Stop a Sanction	X	X	
PA 125	Monthly Notice to Sanctioned Participants	X	X	
<b>COUNTY DESIGNATED STAFF</b>				
GN 6163	Program Compliance Gram For Contracted GAIN Staff	X	X	X
<b>STATE HEARINGS</b>				
GN 6033B	Request For County Formal Grievance Hearing	X	X	X

# CHAPTER 1300 - COMPLIANCE/SANCTIONS/RESOLUTION AND PARTICIPANT COMPLAINTS

## 1314.2 - EXHIBIT II - GSHVO MONTHLY REPORT

### GAIN PROGRAM DIVISION

### GAIN SANCTION HOME VISIT OUTREACH PROJECT

### MONTH/YEAR

Updated 10/10/07

### REGION:

### REPORT COMPLETED BY:

		A	B	C	SSS ACTIVITY			
		NO	PREV.	ALR				
		SANC	SANC.	SANC.				
<b>A</b>	Number of NC/Sanction Cases in the Month	0			A. Participants with SSS history (1) 0			
<b>B</b>	Number resolved prior to sending appointment letter	0	0	0	B. New participants identified (2) 0			
	Case carrying GSW	0			C. Total 0			
	GSHVO GSW	0			1. DV 0			
	Agree to participate	0			2. SA 0			
		0			3. MH 0			
<b>R</b>	Exempt	0			D. Number resolved (3) 0			
<b>E</b>	Good Cause	0			E. Number not resolved (4) 0			
<b>S</b>	Opted for sanction	0						
<b>U</b>	Employment	0			F. Of C. above, # of contacts necessary 0			
<b>L</b>	Cash Aid/GAIN case terminated	0			G. # contacts attempted 0			
<b>T</b>	System error	0			H. # successful contacts 0			
<b>S</b>	GSW error	0			I. # successful contacts 1st try 0			
	Time limit declined PTL services	0			J. # HV with CASC/Provider 0			
	Homeless	0			K. Name(s) of CASC/Provider(s):			
<b>C</b>	Number of Home Visit Appointment Letters Mailed	0	0	0	(1) Per daily reports.			
	Agree to participate	0			(2) New identified through contacts.			
<b>R</b>	Exempt	0			(3) Those w/history and newly resolved i.e., exempt, good			
<b>E</b>	Good Cause	0			cause, or agree to participate, etc.			
<b>S</b>	Opted for sanction	0			(4) Not resolved i.e., unable to locate, pending etc.			
<b>U</b>	Employment	0			(5) Not resolved previously, include as contact necessary			
<b>L</b>	Cash Aid/GAIN case terminated	0						
<b>T</b>	System error	0						
<b>S</b>	GSW error	0						
	Time limit declined PTL services	0						
	Homeless	0						
<b>D</b>	No response to Letter - Home Visits Scheduled	0						
<b>E</b>	Number of Home Visit Appointment Letters Pending*	0						
<b>F</b>	Scheduled Home Visits With Participant Contact	0	0	0				
	Agree to participate	0						
<b>R</b>	Exempt	0						
<b>E</b>	Good Cause	0						
<b>S</b>	Opted for sanction	0						
<b>U</b>	Employment	0						
<b>L</b>	Cash Aid/GAIN case terminated	0						
<b>T</b>	System error	0						
<b>S</b>	GSW error	0						
	Time limit declined PTL services	0						
	Homeless	0						
<b>G</b>	Home Visits With no Participant Contact	0	0	0				
	Participant not home	0						
	Incorrect address	0						
<b>H</b>	Home Visits Pending*	0						
Of the number in A above, the number of cases assigned from the last sanction Ad-Hoc report					0			
<b>COMMENTS</b>								
Indicate the number of cases that could not be updated on GHVO screen =								

## GAIN SANCTION HOME VISIT OUTREACH CHECKLIST

CASE NAME:	PARTICIPANT NAME:	FILE #: CASE#: PRIM LANG:
<p>Date of Discovery : _____  CD appointment date: _____  Sanction effective date: _____  HV appointment date: _____  # referral to GSHVO: _____</p> <p><b>GSHVO Regular:</b></p> <p><input type="checkbox"/> GSHVO GSS review conducted  <input type="checkbox"/> Outreach attempt made by CCGSW  <input type="checkbox"/> Documented in MGPA  <input type="checkbox"/> Case returned to the CCGSS  <input type="checkbox"/> Case 90 days in sanction  <input type="checkbox"/> Appraisal needs completion  <input type="checkbox"/> SSS issues  <input type="checkbox"/> SSS resulted in noncompliance  <input type="checkbox"/> CASC contacted  <input type="checkbox"/> HV appropriate (SSS, safety issues)?</p> <hr/> <p><input type="checkbox"/> Resolved prior to HV appointment letter  <input type="checkbox"/> Telephone call – Date: _____  <input type="checkbox"/> Letter sent – Date: _____  <input type="checkbox"/> Pt. refused home visit  <input type="checkbox"/> Home visit made-Date: _____</p> <p><b>GSHVO Appraisal JBO/CC:</b></p> <p><input type="checkbox"/> Appraisal completed?  <input type="checkbox"/> JCO scheduled?  <input type="checkbox"/> Child care started?</p>	<p><b><u>COMPLIANCE ISSUES</u></b></p> <p><b>Notices:</b></p> <p><input type="checkbox"/> Can not read notices  <input type="checkbox"/> Does not understand notices  <input type="checkbox"/> Notices are confusing  <input type="checkbox"/> Untimely notices  <input type="checkbox"/> Notices not in spoken language  <input type="checkbox"/> Mail sent to wrong address  <input type="checkbox"/> Problems receiving mail  <input type="checkbox"/> Other: _____</p> <p><b>Family Problems:</b></p> <p><input type="checkbox"/> Family problems/crisis  <input type="checkbox"/> Legal problems  <input type="checkbox"/> Child has school problems  <input type="checkbox"/> Other: _____</p> <p><b>Communication:</b></p> <p><input type="checkbox"/> Unable to reach GSW  <input type="checkbox"/> Problems communicating  <input type="checkbox"/> Other: _____</p> <p><b>Other:</b></p> <p><input type="checkbox"/> Negative Experience w/GAIN  <input type="checkbox"/> Stay home with child  <input type="checkbox"/> Attending school or training  <input type="checkbox"/> Other: _____</p>	<p><b><u>ISSUES REVIEWED:</u></b></p> <p><input type="checkbox"/> WtW Requirements  <input type="checkbox"/> GAIN Services  <input type="checkbox"/> CalWORKs Time Limits  <input type="checkbox"/> Post-Employment Services  <input type="checkbox"/> Child Care Services  <input type="checkbox"/> Transportation Services  <input type="checkbox"/> Ancillary Expenses  <input type="checkbox"/> Learning Disability  <input type="checkbox"/> Specialized Supportive Services (DV/MH/SA)  <input type="checkbox"/> Referral information discussed and provided</p> <p><b><u>RESOLUTION:</u></b></p> <p><input type="checkbox"/> Agree to participate*  <input type="checkbox"/> Exempt*  <input type="checkbox"/> Good Cause*  <input type="checkbox"/> Opted for a sanction**  <input type="checkbox"/> Employment*  <input type="checkbox"/> Cash Aid/GAIN term*  <input type="checkbox"/> System error*  <input type="checkbox"/> GSW error*  <input type="checkbox"/> Time Limit declined PTL*  <input type="checkbox"/> Homeless*  <input type="checkbox"/> Participant not home**  <input type="checkbox"/> Incorrect address**  <input type="checkbox"/> Other*</p>
<p><b>15-DAY FOLLOW-UP</b> (any resolution with one asterisk)</p> <p><input type="checkbox"/> Date of follow-up: _____  <input type="checkbox"/> Pt. in activity as agreed  Enter Activity? _____  <input type="checkbox"/> Case returned to CCGSW  <input type="checkbox"/> Date corrective action: _____</p>	<p><b>EXTENDED ACTIVITIES</b> (any resolution with two asterisk)</p> <p><input type="checkbox"/> Contacted OEGSW  <input type="checkbox"/> Pt. Interviewed  <input type="checkbox"/> Resolution</p>	<p><b><u>COMMENTS</u></b></p>

**Questions for Participant:**

What do you like the most about the GAIN Program? \_\_\_\_\_

What do you like the least about the GAIN Program? \_\_\_\_\_

What can the GAIN Program do to make it easier for you to participate in GAIN? \_\_\_\_\_

What is the main reason you did not comply? \_\_\_\_\_

Did you know that even if are working you may still qualify for aid and receive GAIN services? \_\_\_\_\_

GSHVO GSW Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Participant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

GSHVO GSS Approval: \_\_\_\_\_

Date: \_\_\_\_\_



## COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC SOCIAL SERVICES

<b>REPLY TO:</b> GAIN Regional Office Address	
PARTICIPANT'S NAME:	
CASE NUMBER:	PID:
DATE:	

Participant's Name  
Street Address  
City  
State & ZIP Code

Dear \_\_\_\_\_

Our records show that you did not:

- ☐ Sign your Welfare-to-Work Plan on \_\_\_\_\_.
- ☐ Participate in \_\_\_\_\_ on \_\_\_\_\_.
- ☐ Make good progress in your \_\_\_\_\_ activity because \_\_\_\_\_.
- ☐ Accept a job at \_\_\_\_\_.
- ☐ Keep your job at \_\_\_\_\_.
- ☐ Keep the same amount of earnings.

As a result, you may be sanctioned and your cash aid may be reduced. You may have received or will receive another letter explaining any changes to your cash aid.

We can assist you to avoid this sanction. If you have problems with transportation, child care, work-related expenses, or any other problem that is keeping you from participating, we may be able to help you take care of the problem(s) so that you can comply with GAIN requirements.

To find out how we can help you, we have scheduled a GAIN home visit at your home on the date and time indicated below:

**DATE OF HOME VISIT:**      MONTH/DAY/YEAR  
**TIME:**                      BETWEEN 0:00 AM AND 00:00 AM

**Note:** If you wish to reschedule the home visit please call the GAIN Home Visit Services Worker at the number below as soon as possible, but no later than the day before the scheduled home visit date.

If you do **not** want us to visit your home, please call the GAIN Home Visit Services Worker at the number below no later than the day before the scheduled home visit date. We may be able to resolve this problem over the telephone or we may be able to arrange for you to come into the office to provide the required proof of good cause. If you are a victim of domestic violence, please call (800) 978-3600.

If you have any questions regarding this notice or the GAIN home visit, please call the GAIN Home Visit Services Worker listed below.

GAIN Home Visit Services Worker: \_\_\_\_\_ Telephone #: \_\_\_\_\_

## COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC SOCIAL SERVICES

<b>REPLY TO:</b> GAIN Regional Office Address	
PARTICIPANT'S NAME:	
CASE NUMBER:	PID:
DATE:	

Participant's Name  
 Street Address  
 City  
 State & ZIP code

Dear \_\_\_\_\_

Our records show that your cash aid was reduced as of \_\_\_\_\_. As a result, your cash aid is less. You are not receiving your part of the cash aid.

We would like to help you get your part of the CalWORKs cash aid back. If you have problems with transportation, child care, work-related expenses, or any other problem that is keeping you from participating in the GAIN Program, we may be able to help you so that you are able to do what GAIN requires.

To find out how we can help you, we have scheduled a GAIN home visit at your home on the date and time indicated below:

**DATE OF HOME VISIT: MONTH/DAY/YEAR**

**TIME: BETWEEN 0:00 AM AND 00:00 AM**

**Note:** If you wish to reschedule the home visit please call the GAIN Home Visit Services Worker at the number below as soon as possible, but no later than the day before the scheduled home visit date.

If you do **not** want us to visit your home please call the GAIN Home Visit Services Worker at the number below no later than the day before the scheduled home visit date. We may be able to resolve this problem over the telephone or we may be able to arrange for you to come into the office to provide the required proof of good cause. If you are a victim of domestic violence, please call (800) 978-3600.

If you have any questions regarding this notice or the GAIN home visit, please call the GAIN Home Visit Services Worker listed below.

GAIN Home Visit Services Worker: \_\_\_\_\_ Telephone #: \_\_\_\_\_

COUNTY OF LOS ANGELES

EXHIBIT VI  
DEPARTMENT OF PUBLIC SOCIAL SERVICES

REPLY TO: GAIN Regional Office Address	
PARTICIPANT'S NAME:	
CASE NUMBER:	PID:
DATE:	

Participant's Name
Street Address
City
State & ZIP Code

Dear \_\_\_\_\_

**The rules about GAIN sanctions have changed. Now you can stop your sanction at any time and get your part of your cash aid. PLEASE READ BELOW!**

Our records show that as of \_\_\_\_\_ your family gets less cash aid because you were sanctioned. Your cash aid was cut because you did not do what was asked of you by GAIN and you were told that your aid would be cut for up to three or six months. But now the rules have changed.

The new sanction rules allow you to stop your sanction at any time. You no longer have to wait to complete a GAIN sanction penalty of three or six months. You can contact the GAIN Sanction Worker anytime to stop your sanction. To stop your GAIN sanction, you must contact the GAIN Sanction Worker and you must agree to do what the County says about meeting the welfare-to-work rules.

When you are in GAIN, you can get money for child care, transportation, tools, etc. and help to build your work and learning skills. You can also get help with domestic abuse problems, and counseling for substance abuse and or mental health problems.

**Do not wait. Please call \_\_\_\_\_ at (XXX) XXX-XXXX and tell the GAIN Sanction Worker that you want to end your sanction and that:**

1. You had a good reason for not participating; or
2. You did not do the activities GAIN asked you to do, but you are now willing to do them; or
3. You need special help because learning is hard for you, or you may have learning problems that made it hard for you to do the activities GAIN asked you to do.

If you had a good reason for not doing what GAIN wanted you to, you can be excused from GAIN and still get your cash aid back. Good reasons include:

- Illness/disability in your family (including a verified learning disability)
  - Transportation problems
  - Child care problems
  - Learning Disabilities
- Any other reason that temporarily prevents you from participating.

## GOOD CAUSE DETERMINATION GUIDELINES

The good cause determination is an important part of the noncompliance process. It provides an opportunity for you and the recipient to present information relevant to the issue of nonparticipation and can often lead to resumed participation and the avoidance of a sanction.

During the interview: 1) Explain the good cause and compliance processes; 2) Ask why the recipient did not comply with program requirements; 3) Refer to the examples of good cause below and determine if the participation problem was due to one of these examples or any other good reason. If yes, and that reason is verified, good cause exists; 4) Determine if the recipient is repeatedly experiencing barriers to participation. If yes, the recipient has an ongoing problem and should be evaluated to determine if he or she should be exempt or a referral to mental health, substance abuse, domestic abuse, or learning disability services is necessary.

### EXAMPLES OF GOOD CAUSE:

Temporary illness (review for exemption if more than 30 days)

Temporary illness of child or family member (review for exemption if more than 30 days)

- Breakdown of transportation arrangements
- Lack of child care
- Lack of appropriate special needs child care
- Breakdown in child care arrangement
- Lack of access to shelter, counseling, or other services
- Homelessness
- Death in the family
- Severe family crisis
- Physical access barriers for the disabled
- Earthquake or severe weather condition prevented travel/attendance
- Learning disabilities that are a factor in the failure to participate
- Legal difficulties
- Court appearances
- Temporary incarceration
- Remoteness from Welfare to Work activities
- Language barriers
- Discrimination based on age, sex, race, religion, national origin, sexual orientation, or physical or mental disability
- Employment or offer of employment exceeds the daily or weekly hours of work customary to the occupation
- Violation of health and safety standards
- No workers' compensation insurance
- Accepting employment or participating in a work activity would cause an interruption to an approved education activity or job training (except work experience or community service)
- Violation of union membership

### Substance Abuse Indicators:

- Recurring health issues
- Failing an employer drug test
- History of family/child substance abuse
- Irregular sobriety

### Mental Health Indicators:

- Chronic homelessness
- Irregular or sporadic work history
- Chronic family or relationship problems
- Anxiety
- Severe depression

### Domestic Abuse Indicators:

- Current or past violence or harassment (sexual, physical, or emotional)
- Fear of abuse or abuser
- Sabotage from abuser when the victim attempts to become independent
- Abuser interferes with work or Welfare to Work activity
- Concern for children's safety
- Lack of appropriate services
- Physical/Mental health/Substance abuse issues
- Severe depression and/or anxiety
- Issues related to living in temporary housing or a sheltered environment
- Legal problems such as restraining orders, divorce, court appearances, etc.
- Victim of a stalker
- Homelessness
- Lack of support system (isolation)
- Stockholm Syndrome (bonding with the captor)
- Economic control (abuser hides or controls money, checkbooks, savings, etc.)

**Other Good Reasons:** On a case-by-case basis, as determined by the county, any other reason that temporarily prevents or significantly impairs a recipient's ability to work regularly or go to Welfare to Work activities.

**Program Compliance Gram for Contracted GAIN Staff**☐ **Urgent**

GAIN LOCATION CODE: G \_\_\_\_\_

Contracted GAIN agency's name: \_\_\_\_\_

Contracted GAIN case management staff's name/phone number: \_\_\_\_\_ / \_\_\_\_\_

Participant Name: \_\_\_\_\_ Case Number: \_\_\_\_\_ PID: \_\_\_\_\_

**SECTION I: RECOMMENDATION TO START COMPLIANCE**

I recommend that a compliance appointment be scheduled on: \_\_\_\_\_ at \_\_\_\_\_ AM/PM for the above named participant because of failure or refusal to comply with program requirements, as follows: \_\_\_\_\_

The above named participant requested that his/her previously scheduled compliance appointment be rescheduled for: \_\_\_\_\_ at \_\_\_\_\_ AM/PM for the following reason(s): \_\_\_\_\_

Note: A compliance appointment can only be rescheduled once within the 20-day compliance period.

County response: ☐ Request approved ☐ Denied, reason: \_\_\_\_\_

County Staff: \_\_\_\_\_ Phone number: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION II: GOOD CAUSE/NO GOOD CAUSE RECOMMENDATIONS**I recommend that the above named participant has ☐ good cause ☐ no good cause for failure/refusal to meet program requirements.

Reason for good cause/no good cause: \_\_\_\_\_

Compliance Plan date: \_\_\_\_\_ Compliance Plan expected end date: \_\_\_\_\_ Compliance Activity: \_\_\_\_\_

County response: ☐ Request approved, GEARS updated ☐ Denied, reason: \_\_\_\_\_

County Staff: \_\_\_\_\_ Phone number: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION III: FAILURE TO COMPLY WITH COMPLIANCE PLAN**

The above named participant has failed to complete the terms of the compliance plan. I recommend that the participant be financially sanctioned because: \_\_\_\_\_

County Response: ☐ Request approved, GEARS updated ☐ Denied, reason: \_\_\_\_\_

County Staff: \_\_\_\_\_ Phone number: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION IV: POST-SANCTION APPRAISALS**

The above named participant has met program requirements effective: \_\_\_\_\_ I recommend that the financial sanction be ended.

County response: ☐ Approved ☐ Denied, reason: \_\_\_\_\_

County Staff: \_\_\_\_\_ Phone number: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION V: DENIALS AND CANCELLATIONS**☐ Please cancel compliance for the above named participant.☐ Please deny the financial sanction recommendation for the above named participant.

Reason: \_\_\_\_\_

County response: ☐ Approved ☐ Denied, reason: \_\_\_\_\_

County Staff: \_\_\_\_\_ Phone number: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION VI: TELEPHONE CALL RESULTS**Successfully contacted participant? ☐ Yes ☐ No

Date(s)/ time(s)/ of phone call attempt(s) \_\_\_\_\_

Result:

☐ Participant recommended for sanctions☐ Compliance successfully resolved

## YOUR HEARING RIGHTS

**You have the right to ask for a hearing if you disagree with any county action. You have only 90 days to ask for a hearing. The 90 days started the day after the county gave or mailed you this notice.**

**If you ask for a hearing before an action on Cash Aid, Medi-Cal, Food Stamps, or Child Care takes place:**

- Your Cash Aid or Medi-Cal will stay the same while you wait for a hearing.
- Your Child Care Services may stay the same while you wait for a hearing.
- Your Food Stamps will stay the same until the hearing or the end of your certification period, whichever is earlier.

**If the hearing decision says we are right, you will owe us for any extra Cash Aid, Food Stamps or Child Care Services you got.**

To let us lower or stop your benefits before the hearing, check below:

Yes, lower or stop: ☐ Cash Aid ☐ Food Stamps ☐ Child Care

**While You Wait for a Hearing Decision for:**

### Welfare to Work:

You do not have to take part in the activities.

You may receive child care payments for employment and for activities approved by the county before this notice.

If we told you your other supportive services payments will stop, you will not get any more payments, even if you go to your activity.

If we told you we will pay your other supportive services, they will be paid in the amount and in the way we told you in this notice.

- To get those supportive services, you must go to the activity the county told you to attend.
- If the amount of supportive services the county pays while you wait for a hearing decision is not enough to allow you to participate, you can stop going to the activity.

### Cal-Learn:

- You cannot participate in the Cal-Learn Program if we told you we cannot serve you.
- We will only pay for Cal-Learn supportive services for an approved activity.

## OTHER INFORMATION

**Medi-Cal Managed Care Plan Members:** The action on this notice may stop you from getting services from your managed care health plan. You may wish to contact your health plan membership services if you have questions.

**Child and/or Medical Support:** The local child support agency will help collect support at no cost even if you are not on cash aid. If they now collect support for you, they will keep doing so unless you tell them in writing to stop. They will send you current support money collected but will keep past due money collected that is owed to the county.

**Family Planning:** Your welfare office will give you information when you ask for it.

**Hearing File:** If you ask for a hearing, the State Hearing Division will set up a file. You have the right to see this file before your hearing and to get a copy of the county's written position on your case at least two days before the hearing. The state may give your hearing file to the Welfare Department and the U.S. Departments of Health and Human Services and Agriculture. (W&I Code Sections 10850 and 10950.)

## TO ASK FOR A HEARING:

- Fill out this page.
- Make a copy of the front and back of this page for your records. If you ask, your worker will get you a copy of this page. Send or take this page to:

**OR**

- Call toll free: 1-800-952-5253 or for hearing or speech impaired who use TDD, 1-800-952-8349.

**To Get Help:** You can ask about your hearing rights or for a legal aid referral at the toll-free state phone numbers listed above. You may get free legal help at your local legal aid or welfare rights office.

**If you do not want to go to the hearing alone, you can bring a friend or someone with you.**

### HEARING REQUEST

I want a hearing due to an action by the Welfare Department of \_\_\_\_\_ County about my:

☐ Cash Aid ☐ Food Stamps ☐ Medi-Cal

☐ Other (list) \_\_\_\_\_

**Here's Why:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- ☐ If you need more space, check here and add a page.
- ☐ I need the state to provide me with an interpreter at no cost to me. (A relative or friend cannot interpret for you at the hearing.)

My language or dialect is: \_\_\_\_\_

NAME OF PERSON WHOSE BENEFITS WERE DENIED, CHANGED OR STOPPED

BIRTH DATE \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

NAME OF PERSON COMPLETING THIS FORM \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_

- ☐ I want the person named below to represent me at this hearing. I give my permission for this person to see my records or go to the hearing for me. (This person can be a friend or relative but cannot interpret for you.)

NAME \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_